

Agency 22

State Fire Marshal

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Article 1.—KANSAS FIRE PREVENTION CODE

Editor's Note:

This article was formerly entitled "Dry Cleaning Plants." Regulations previously numbered 22-1-1 to 22-1-26, were revoked May 1, 1981, and number 22-1-1 reassigned to the current subject matter.

GENERAL

22-1-1. Kansas fire prevention code. (a) When a municipality adopts one of the nationally recognized fire codes or the fire protection segment of a nationally-recognized building code and modifies a section of that code, a summary of such

modifications shall be submitted to the state fire marshal office. Such modifications shall be reviewed and approved or rejected by the state fire marshal. The municipality shall be notified of the action within 30 days from receipt of the summary.

(b) Any building code package adopted by a municipality shall reference the 1990 edition of the National Electrical Code.

(c) Any alternate method of fire protection which has been approved by a local board of appeals as a substitute for strict compliance with code requirements shall be deemed to be in compliance with the Kansas fire prevention code.

(d) Any question arising as to whether another state statute or an enactment of a municipality is inconsistent with the provisions of the fire prevention code shall be resolved by the state fire marshal after a hearing with all interested parties. Any decisions of the state fire marshal made under authority of this subsection shall be appealable in accordance with the provisions of K.S.A. 31-142. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1981; amended May 1, 1985; amended Aug. 28, 1989; amended Sept. 17, 1990.)

22-1-2. Compliance with certain building codes. A building shall be deemed to comply with the Kansas fire prevention code if the building conforms to one of the following building codes and to any additional special requirements of the Kansas fire prevention code and if the building has been issued a certificate of occupancy: (a) The 1997 edition of the uniform building code (UBC);

(b) the 1999 edition of the building officials and code administrators (BOCA) basic building code;

(c) the 1997 edition of the standard building code, which is also known as the southern building code (SBC); or

(d) the 2000 edition of the international building code (IBC). (Authorized by and implementing K.S.A. 31-134a; effective May 1, 1985; amended Aug. 28, 1989; amended May 10, 1993; amended July 9, 2004.)

22-1-3. Adopted national codes. The following National fire protection association pamphlets are adopted by reference.

(a) Portable fire extinguishers. National fire protection association pamphlet no. 10, including appendices a, b, c, d, e, f, and g, 1990 edition.

(b) Installation of sprinkler systems. National fire protection association pamphlet no. 13, including appendices a and c, 1991 edition.

(c) Installation of standpipe and hose systems. National fire protection association pamphlet no. 14, including appendices a, b, c, 1990 edition.

(d) Dry chemical extinguishing systems. National fire protection association pamphlet no. 17, chapters 1, 2, 3, 6, and 7 including appendices A and excluding sections 2-11.2, 6-4, 6-5, and 6-6, 1990 edition.

(e) Wet chemical extinguishing systems. National fire protection association pamphlet no. 17A, chapters 1 through 4, and appendices A and

B, excluding sections 3-1 and 3-2 and section A-1-4 of Appendix A, 1990 edition.

(f) Water-based fire protection systems. National fire protection association pamphlet no. 25, including appendices a, b, and c, 1992 edition.

(g) Flammable and combustible liquids. National fire protection association pamphlet no. 30, including appendices a, b, c, d, e, f, and g, 1990 edition.

(h) Automotive and marine service stations. National fire protection association pamphlet no. 30A, chapter 1 through 9, except section 4-4, 1990 edition.

(i) Compressed natural gas (CNG) vehicular fuel systems. National fire protection association pamphlet no. 52, including appendix a, 1992 edition.

(j) Liquefied petroleum gases. National fire protection association pamphlet no. 58, including appendices a, b, c, d, e, f, g, h, i, and j, except section 1-6 shall be applicable January 1, 1994, 1992 edition.

(k) Signaling systems for central station service. National fire protection association pamphlet no. 71, including appendices a and b, 1989 edition.

(l) Installation, maintenance and use of protective signaling systems. National fire protection association pamphlet no. 72, including appendices a, b, and c, 1990 edition.

(m) Automatic fire detectors. National fire protection association pamphlet no. 72E, including appendices a, b, c, and d, 1990 edition.

(n) Testing procedures for signaling systems. National fire protection association pamphlet no. 72H, 1988 edition.

(o) Vapor removal from cooking equipment. National fire protection association pamphlet no. 96, including appendix a, 1991 edition.

(p) Life safety code. National fire protection association pamphlet no. 101, including appendices a and b, except chapter 21, sections 10-7.1.1.1 and 11-7.1.1.1 and the first sentence of section 11-8.1.1.1 and 11-9.1.1.1, 1991 edition.

(q) Alternative approaches to life safety. National fire protection association pamphlet no. 101M, 1992 edition.

(r) Assembly seating, tents, and membrane structures. National fire protection association pamphlet no. 102, including appendices a and b, 1992 edition.

(s) Emergency and standby power systems. National fire protection association pamphlet no.

110, including appendices a, b, and c, 1988 edition.

(t) Fire safety symbols. National fire protection association pamphlet no. 170, including appendices a, b, and c, 1991 edition.

(u) Tank vehicles for flammable and combustible liquids. National fire protection association pamphlet no. 385, including appendices a and b, 1990 edition.

(v) Explosive materials code. National fire protection association pamphlet no. 495, including appendices a, b, c, and d except sections 1-1.3 and 2-1.8, and chapter 10, 1992 edition.

(w) Fire Safety criteria for manufactured home installations, sites and communities. National fire protection association pamphlet no. 501A, including appendices a, b, c, and d, 1992 edition.

(x) Outdoor display of fireworks. National fire protection association pamphlet no. 1123, including appendices a, b, c, d, and e, 1990 edition.

(y) Manufacture, transportation, and storage of fireworks. National fire protection association pamphlet 1124, including appendices a, b, and c, 1988 edition. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

22-1-4. Variances and exemptions. Upon a written application the state fire marshal may grant an exemption or variance from compliance with any provision of the regulations adopted pursuant to the Kansas fire prevention code when it is clearly demonstrated that: (a)(1) the enforcement of a specific requirement will cause unnecessary hardship; or

(2) the exemption is necessary for the petitioner to take advantage of new methods or equipment; and,

(b) the condition, structure, or activity in non-compliance poses no immediate life safety hazard. (Authorized by K.S.A. 1991 Supp. 31-133; implementing K.S.A. 31-136; effective May 10, 1993.)

22-1-5. Denial, refusal, suspension, or revocation. (a) A registration certificate authorized under the Kansas fire prevention code that has been duly issued by the office of the state fire marshal or has been applied for may be denied, suspended, revoked, or renewal refused, if:

(1) the office of the state fire marshal finds from available evidence that the individual or business has violated any provisions of the Kansas fire prevention code or these regulations; or

(2) certified as an arson investigator, the holder has been convicted of a felony.

(b) A person or business aggrieved by an order of the office of the state fire marshal may seek an appeal and hearing under the provisions of K.S.A. 31-140, 31-141, and 31-142 by filing a notice of appeal in the office of the state fire marshal within fifteen (15) days from the date of the service of this order. (Authorized by and implementing K.S.A. 1991 Supp. 31-133, K.S.A. 31-133a, as amended by L. 1992, ch. 220, § 1, and K.S.A. 31-157; effective May 10, 1993.)

22-1-6. Commercial fire suppression and detection firms, filing. Any business which currently installs, maintains, modifies, or repairs any fire sprinkler systems, fire detection systems, or fire alarm systems, except those performing these functions solely in one and two family dwellings, shall file a notification of doing business by April 1, 1994 with the state fire marshal on forms provided by the state fire marshal. Any new business performing these functions after April 1, 1994 shall file a notification of doing business within 30 days of commencing business with the state fire marshal. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

22-1-7. Code footprint. (a)(1) "Code footprint" shall mean a building and life safety code compliance document that contains both graphic and narrative information and that meets the requirements of this regulation.

(2) Each code footprint shall be submitted in the following format:

(A) A full-sized drawing consisting of a complete floor plan, including existing facilities and new construction, for each floor of the facility, including basements and mezzanines; and

(B) an 11-inch by 17-inch reduction of the full-sized drawing, sealed by a Kansas-licensed design professional.

(3) A code footprint shall be prepared for all new buildings, new building additions, changes in occupancy, or building renovation, with the exception of buildings used solely as dwelling houses containing no more than two families. Each code footprint shall be prepared by a Kansas-licensed design professional. Upon request, a code footprint shall be provided to the fire or building official in the municipality where the work is occurring.

(4) A code footprint shall be submitted to the

state fire marshal for review and approval for any new construction, renovation, or change of occupancy for the following types of buildings:

(A) Any group A assembly occupancy having a combined occupant load in excess of 2,000 persons;

(B) any group B business occupancy used at any community college, area vocational school, vocational-technical school, technical college, or any institution under the governance of the state board of regents;

(C) any group A assembly occupancy mixed with a group E educational occupancy or a group I institutional occupancy;

(D) any group E educational occupancy, including any day care facility for more than 24 persons;

(E) any group I institutional occupancy, including any state or other governmental entity's detention facilities, and any occupancy physically attached to a group I occupancy regardless of fire barrier separation; and

(F) any group R-1 or R-2 residential occupancy that is three or more stories in height, including basements, or more than 12,000 square feet in area, and any R-4 residential occupancy.

(b) The following shall be required on all code footprints:

(1) A graphic bar scale;

(2) a north directional indicator;

(3) a complete building floor plan, with a clear identification of new, remodeled, and existing portions;

(4) identification of all permanent partitions taller than six feet;

(5) a label with plain text, keynotes, or legends for each room and space;

(6) the occupant load of assembly rooms and total occupant load for each floor level;

(7) identification of openings and ratings of stair and shaft enclosures;

(8) identification of openings and ratings of corridors and openings;

(9) identification of occupancy and area separations;

(10) identification of all horizontal exit arrangements, exit passageways, and smoke compartments;

(11) identification of all required exterior exits and exit capacity;

(12) the location of the central fire alarm control panel and any remote annunciator panels;

(13) the location of each fire department supply connection;

(14) the location of fire department access roads and fire hydrants;

(15) the distances to property line and exposures;

(16) identification of any special hazards or conditions; and

(17) the location of any anticipated future additions.

(c) The following narrative information shall be required on each code footprint submitted:

(1) The project construction purpose: new, addition, change in use, renovation, or other;

(2) the reason for submittal: new construction, new licensure, certificate of occupancy, or plan of correction for existing code deficiencies;

(3) the code or codes used;

(4) the street address, city, state, zip code, and county of the building;

(5) the name, address, city, state, zip code, phone number, and fax number of the owner;

(6) the date developed and any revision dates;

(7) the name, address, city, state, zip code, phone number, and fax number of the designer;

(8) the designer's seal (RA or PE);

(9) the name of the responding fire service;

(10) the name of the local building inspection department, if available;

(11) each occupancy group and type;

(12) the type of construction;

(13) the structural code requirements, including the following:

(A) The total floor area of each occupancy, both actual and allowable;

(B) height and area limitations, both actual and allowable; and

(C) structural fire ratings, both actual and allowable;

(14) identification of active fire safety features, including the following:

(A) The type of automatic suppression systems and locations;

(B) the fire alarm signaling system;

(C) emergency lighting and power features; and

(D) the smoke control system;

(15) water supply requirements of the facility for fire suppression; and

(16) alternative methods of design or construction, or both. (Authorized by and implementing K.S.A. 31-133; effective July 9, 2004.)

Article 2.—REGULATORY STANDARD FOR TANK VEHICLES FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS

Editor's Note:

This article was formerly entitled "Equipment, Transportation; Flammable Liquids." Regulations previously numbered 22-2-1 to 22-2-17, were revoked May 1, 1981, and number 22-2-1 reassigned to the current subject matter.

22-2-1. (Authorized by and implementing K.S.A. 1989 Supp. 31-133 as amended by L. 1990, Ch. 135, Sec. 1; effective May 1, 1981; amended May 1, 1986; amended Jan. 21, 1991; revoked May 10, 1993.)

Article 3.—LIFE SAFETY CODE

22-3-1. (Authorized by and implementing K.S.A. 1984 Supp. 31-13; effective May 1, 1980; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended Aug. 28, 1989; revoked May 10, 1993.)

22-3-2. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective Aug. 28, 1989; amended Sept. 17, 1990; revoked May 10, 1993.)

Article 4.—EXPLOSIVE MATERIALS

22-4-1. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1980; amended May 1, 1985; amended May 1, 1986; amended Sept. 17, 1990; revoked May 10, 1993.)

22-4-2. Explosive and blasting agent storage permits. (a) All contractors operating in the State of Kansas shall obtain explosive storage site permits before moving, storing or using any explosives or blasting agents at any job site within the state. The appropriate permit shall be issued after the contractor has submitted a completed application form to the authority having jurisdiction in the geographic area in which the contractor is operating. The application form shall be signed by the contractor or designee and the authority having jurisdiction or designee. Application forms shall be available from the state fire marshal's office. The authority having jurisdiction in the geographic area in which the contractor is operating shall issue either a temporary or a permanent explosive storage site permit as applicable.

(b) Before either explosive storage site permit will be issued, the contractor must have a valid explosive user's permit issued by the state fire

marshal in accordance with K.A.R. 22-4-1 and any explosive permit required by the U.S. treasury department, bureau of alcohol, tobacco and firearms.

(c) Contractors intending to store in excess of 50 lbs., but not more than 500 lbs. of explosives or blasting agents and who shall be engaged in blasting at a location 90 days or less shall be issued a temporary explosive site permit. Contractors intending to store in excess of 500 lbs. of explosives or blasting agents or engaged in blasting at a location more than 90 days shall be issued a permanent explosive storage site permit.

(d) All storage of explosives or blasting agents shall be in a magazine designed for that purpose as specified in NFPA pamphlet 495 as adopted in K.A.R. 22-4-1. Explosive magazines shall be located on the explosive storage site in accordance with the American table of distances as specified in NFPA pamphlet 495 as adopted in K.A.R. 22-4-1.

(e) Contractors shall notify the authority having jurisdiction at least 24 hours before the delivery of explosives or blasting agents to a storage site or moving explosives from a storage site to the blasting site, and at least 24 hours before vacating the storage site.

(f) Each magazine within the explosive storage site shall be surrounded by a fence or acceptable equivalent approved by the authority having jurisdiction. Weather resistant signs measuring no less than 36 inches in length and 18 inches in height shall be mounted at the explosive storage site in a manner to cause the signs to be visible from all directions to any person entering the site. The signs shall be lettered with six inch fluorescent characters on a white background to read: EXPLOSIVES—KEEP OFF. (Authorized by and implementing K.S.A. 1988 Supp. 31-133; effective Nov. 27, 1989.)

22-4-3. Definitions. (a) The term "contractor" means and includes any person, company or corporation that engages in the manufacture, purchase, inventory, storage and use of explosives or blasting agents within the State of Kansas.

(b) The term "authorities having jurisdiction" means the respective fire department, police department and sheriff's department having jurisdiction over the area where the explosive storage site is located as well as the state fire marshal's office. (Authorized by and implementing K.S.A. 1988 Supp. 31-133; effective Nov. 27, 1989.)

22-4-4. Purchase of explosive materials in contiguous state. (a) A person who holds a valid Kansas explosive user permit may purchase explosive materials from a federally licensed dealer located in a state contiguous to the state of Kansas and may have explosive materials purchased in a contiguous state transported to a properly permitted explosives storage site in Kansas.

(b) A person who holds a Kansas explosives user permit may not transport explosive materials across a state line in that person's own explosives transport vehicle unless that person also holds a valid explosive permit issued by the U.S. treasury department, bureau of alcohol, tobacco and firearms authorizing such activity. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective Sept. 17, 1990.)

Article 5.—FIRE REPORTING REQUIREMENTS

22-5-1. Reporting of incidents and casualties. (a) The chief of any organized fire department, regular or volunteer, or the chief law enforcement officer where no fire department exists shall submit the following reports to the state fire marshal for each incident occurring in the chief's municipality or fire district territory:

(1) An incident report for each incident where a response is made, regardless of whether an actual fire occurred;

(2) casualty reports for each civilian casualty (injury or death) that occurs as the result of any fire or explosion; and

(3) casualty reports for each firefighter casualty (injury or death) that occurs while acting in an official role as a firefighter.

(b) Each report shall be submitted by the 20th of the month following the incident.

(c) After January 1, 1984, Kansas uniform fire incident reporting system (K-FIRS) incident and casualty report forms shall be the only approved report forms, except that: (1) a municipality or fire district territory that can provide a machine readable medium which has been approved in writing by the state fire marshal may report by the machine readable medium; and (2) only the incident and casualty report forms will be accepted from a fire department after the fire department has complete training on the forms. (Authorized by and implementing K.S.A. 1984 Supp. 31-133(a)(6); effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

22-5-2. Reporting of fire deaths. It shall be the duty of the chief of any organized fire department, regular or volunteer, or the chief law enforcement officer where no fire department exists, to report the name and address of any firefighter or other person who dies as a result of any fire or explosion in his or her municipality or fire district territory to the state fire marshal by telephone within seventy-two (72) hours. Telephone notification does not relieve the fire department of other reporting requirements. (Authorized by and implementing K.S.A. 31-133(a)(6); effective May 1, 1980; amended May 1, 1982.)

22-5-3. Reporting of fire losses by insurance companies. (a) Definitions.

(1) Annual report means a report submitted to the state fire marshal by a company setting forth the total number of fire losses and the total amount of losses paid for one calendar year.

(2) Company means a property or casualty insurance company transacting business in Kansas.

(3) FDID means a fire department identification number. Each fire department in Kansas shall be assigned an FDID.

(4) KILR form means the current edition of the Kansas insurance loss report form used by companies that do not use the PILR to report fire losses to the state fire marshal.

(5) Machine readable medium means a form that is readable by electronic data processing machines.

(6) PILR means the property insurance loss register reporting service of the American insurance association.

(7) PILR form means the reporting form used by PILR subscribers to report fire losses as approved by the state fire marshal.

(8) Reportable fire means a fire in Kansas that damages any property, dwelling, building, automobile, cropland, contents, and other such items, and that results in five hundred dollars (\$500) or more in loss.

(9) Reporting service means a service provided by a third party to a company, such as adjusting services or bureaus that report to the state fire marshal on behalf of a company, including PILR. (Authorized by and implementing K.S.A. 40-2,110; effective, E-82-4, Jan. 21, 1981; effective May 1, 1981; amended May 10, 1993.)

22-5-4. General requirements. (a) Only the PILR or KILR forms shall be used to report fire loss to the state fire marshal, except that a

company or reporting service that can provide a machine readable medium which has been approved in writing by the state fire marshal may report by this machine readable medium.

(1) A PILR or KILR form shall be submitted for every fire loss over five hundred dollars (\$500) that occurs in Kansas.

(2) PILR and KILR forms that are submitted by a company or reporting service shall be submitted to the state fire marshal no later than the 20th of the month following the report of the loss to the company.

(3) When a company has no losses to report to the state fire marshal, a PILR or KILR form shall be submitted that indicates "no losses" and the month and year for which it applies.

(b) FDID. Each KILR form reporting a loss to the state fire marshal shall contain the FDID and the name of the fire department in whose jurisdiction the loss occurred.

(c) Each PILR form shall contain the FDID and fire department name in the "Property Insurance Loss Register" box on the upper left corner of the PILR form.

(d) The information specified in (a) (2) and (3) is necessary even if the fire department did not respond. If no fire department protects the property, enter "None" in place of the FDID. (Authorized by and implementing K.S.A. 1980 Supp. 40-2,110; effective, E-82-4, Jan. 21, 1981; effective May 1, 1981.)

22-5-5. Reports. (a) Reporting of losses by companies not subscribing to a reporting service. (1) A company shall report its losses directly to the state fire marshal except as noted in K.A.R. 22-5-4. Reports shall be submitted to the state fire marshal with postage paid.

(2) A company shall not be in compliance with these regulations until the applicable forms have been received in the office of the state fire marshal.

(b) Reporting of losses by companies subscribing to a reporting service. (1) A company may use a reporting service to report its losses to the state fire marshal instead of reporting directly to the state fire marshal.

(2) A company using a reporting service shall not be in compliance with these regulations until the applicable forms have been received by the state fire marshal from the reporting service.

(c) Annual report. Each company shall complete and submit an annual report to the state fire

marshal no later than May 15 of the year immediately following the year being reported. This annual report shall contain the actual number of fire losses paid, and the total amount of fire dollar losses paid by the company. (Authorized by and implementing K.S.A. 1980 Supp. 40-2,110; effective, E-82-4, Jan. 21, 1981; effective May 1, 1981.)

22-5-6. Reporting of burn wounds. Hospitals which treat burn patients and doctors or other health care providers who treat burn patients at any location other than a hospital shall report all second-and third-degree burn wounds involving 20% or more of the victim's body and requiring hospitalization of the victim to the state fire marshal on forms provided by the state fire marshal. Each report shall be mailed no later than the Monday following the date of the first treatment of any wound. (Authorized by and implementing L. 1988, Ch. 127, Sec. 1(7); effective May 1, 1986; amended Aug. 28, 1989.)

Article 6.—FIREWORKS

22-6-1. Definitions; exclusions. (a)(1) "Fireworks" shall have the meaning specified in national fire protection association standard no. 1123, which is adopted by reference in K.A.R. 22-6-20.

(A) "Consumer fireworks" shall have the meaning specified in national fire protection association standard no. 1123, which is adopted by reference in K.A.R. 22-6-20.

(B) "Display fireworks" shall have the meaning specified in national fire protection association standard no. 1123, which is adopted by reference in K.A.R. 22-6-20.

(C) "Pyrotechnic article" shall have the meaning specified in national fire protection association standard no. 1124, which is adopted by reference in K.A.R. 22-6-20.

(2) "Novelties" shall have the meaning specified in the American pyrotechnic association standard no. 87-1, which is adopted by reference in K.A.R. 22-6-20.

(3) "Responsible person" means an individual who has the power to direct the management and policies of the applicant pertaining to explosive materials.

(b) Nothing in these regulations shall apply to the following:

(1) Toy smoke devices as defined in the American pyrotechnic association standard no. 87-1, section 3.2.3;

(2) toy paper caps as defined in the American pyrotechnic association standard no. 87-1, section 3.3;

(3) the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation;

(4) the military or naval forces of the United States or of this state, or peace officers; and

(5) the sale or use of blank cartridges for ceremonial or theatrical or athletic events. (Authorized by and implementing K.S.A. 2007 Supp. 31-133; effective Jan. 1, 1973; amended Dec. 29, 2008.)

22-6-2. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973; revoked Dec. 29, 2008.)

22-6-3. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973; revoked Dec. 29, 2008.)

22-6-4. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973; revoked Dec. 29, 2008.)

22-6-5. Sale; days permitted. A seasonal retailer shall not sell fireworks, except during the fireworks season. The fireworks season shall be the period beginning on June 27 and ending on July 5 of each calendar year. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-502; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1986; amended Dec. 29, 2008.)

22-6-6. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973; revoked Dec. 29, 2008.)

22-6-7. (Authorized by and implementing K.S.A. 31-133; effective Jan. 1, 1973; amended May 1, 1983; revoked Dec. 29, 2008.)

22-6-8. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973; revoked Dec. 29, 2008.)

22-6-9. Discharge of fireworks. (a) A person shall not ignite or discharge fireworks into, under, or from a car or vehicle, whether moving or standing still, or on a public roadway or the right-of-way adjoining a public roadway.

(b) Fireworks shall not be discharged within 100 feet of any "place of institution," as defined by national fire protection association standard no. 101, which is adopted by reference in K.A.R. 22-

1-3, or any retail fireworks stand or facility where fireworks are stored. (Authorized by and implementing K.S.A. 2007 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986; amended Dec. 29, 2008.)

22-6-10. (Authorized by K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986; revoked May 10, 1993.)

22-6-11. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973; revoked May 1, 1983.)

22-6-12. Illegal fireworks. Fireworks not permitted by K.S.A. 31-155, and amendments thereto, shall be illegal to be sold, possessed, manufactured, or transported. Any person in violation of this regulation may be subject to additional penalties, including criminal prosecution. (Authorized by and implementing K.S.A. 2007 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986; amended Dec. 29, 2008.)

22-6-13. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986; revoked Dec. 29, 2008.)

22-6-14. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986; revoked Dec. 29, 2008.)

22-6-15. (Authorized by K.S.A. 31-133; effective Jan. 1, 1973; amended, E-80-9, June 21, 1979; revoked May 1, 1980.)

22-6-16. Registration of bottle rocket manufacturers and wholesalers. (a) Any manufacturer or wholesaler of bottle rockets who desires to store, handle, possess, or transport bottle rockets in this state for any use outside this state shall register annually with the office of the state fire marshal.

(b) Any person desiring to store, handle, possess, or transport bottle rockets in this state shall complete a registration application furnished by the office of the state fire marshal. This application shall be completed and received by the state fire marshal's office before May 31 of each year. Each registration shall be valid for one year from June 1 to May 31 of the following year. The application shall contain name of applicant, name of business, address of business, description of business activity, destination and disposition of the bottle rockets, and any other information deemed necessary by the state fire marshal. (Authorized

by and implementing K.S.A. 31-133, 31-155, 31-156; effective May 1, 1982; amended May 1, 1983.)

22-6-17. (Authorized by and implementing K.S.A. 31-133; effective Aug. 28, 1989; revoked May 10, 1993.)

22-6-18. Records. (a) Each licensee with a permit to store display fireworks shall keep an accurate inventory of all firework materials on hand.

(b) Each operator of a temporary retail stand shall maintain a list of what consumer firework items are on the premises, indicating the Kansas licensed distributor from whom those items were purchased. This list shall be provided to law enforcement, the fire department, or the local authority, upon request. (Authorized by K.S.A. 2007 Supp. 31-133 and 31-506; implementing K.S.A. 2007 Supp. 31-133 and 31-505; effective Dec. 29, 2008.)

22-6-19. Purchase of display fireworks in another state. (a) Any person who holds a valid Kansas display operator license pursuant to K.A.R. 22-6-24 may purchase display fireworks from a federally licensed dealer located in a state other than Kansas and may have display fireworks purchased in that state transported to a permitted firework storage site in Kansas.

(b) A person who holds a Kansas display operator license shall not transport display fireworks across a state line in that person's own transport vehicle unless that person also holds a valid permit issued by the bureau of alcohol, tobacco, firearms, and explosives authorizing this activity. (Authorized by and implementing K.S.A. 2007 Supp. 31-133; effective Dec. 29, 2008.)

22-6-20. Adoptions by reference. (a) The following national fire protection association standards, including annexes, are hereby adopted by reference:

(1) No. 160, "standard for the use of flame effects before an audience," 2006 edition, except for section 2-3.2;

(2) no. 1123, "code for fireworks display," 2006 edition, except for section 2-3.3;

(3) no. 1124, "code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles," 2006 edition, with the following deletions and substitutions:

(A) In section 5-1.1.2 (1), the words "that are not bullet sensitive" shall be deleted;

(B) in section 6-2.7.1, the words "using an ap-

proved test sampling plan" shall be deleted and replaced by the following: "or a CPSC-approved test sampling plan shall be used";

(C) sections 2-3.5, 6-5.2.3, 6-5.2.4, 6-14.4, 7-3.19.4, and 7-4.6.3 shall be deleted;

(D) in section 7-3.14.1.1, the text "three or as determined in accordance with NFPA 101, Life Safety Code, whichever number is greater" shall be deleted and replaced by the following: "two, or as determined in accordance with national fire protection association standard no. 101, which is adopted by reference in K.A.R. 22-1-3, whichever number is greater"; and

(E) in section 7-3.15.6, the words "horizontally ejected" shall be inserted before "pyrotechnic components"; and

(4) no. 1126, "standard for the use of pyrotechnics before a proximate audience," 2006 edition, except for section 2-3.2.

(b) Chapter three in American pyrotechnics association standard 87-1, "standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics," 2001 edition, is hereby adopted by reference, except for the following:

(1) Section 3.8;

(2) section 3.9; and

(3) section 3.10. (Authorized by and implementing K.S.A. 2007 Supp. 31-133 and K.S.A. 2007 Supp. 31-506; effective Dec. 29, 2008.)

22-6-21. Manufacturing license. (a) Except for any hobbyist manufacturer, each person engaged in the manufacture of fireworks in the state of Kansas shall obtain a license from the office of the state fire marshal.

(b) Each applicant shall indicate which of the following classes the applicant is requesting a license for on the application:

(1) Manufacture of consumer fireworks;

(2) manufacture of display fireworks;

(3) manufacture of pyrotechnic articles; or

(4) unlimited manufacture.

(c) Each applicant shall meet the following requirements:

(1) Provide a list of the name of each individual, owner, partner, and other responsible person in the applicant's business; and

(2) pay a nonrefundable fee of \$400.

(d) Each manufacturing license shall be valid for one year from the date of issuance.

(e) Each licensee shall keep the original license posted on the manufacturing site at all times while

engaging in manufacturing operations. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.

(f) Each licensee shall comply with national fire protection standard no. 1124, which is adopted by reference in K.A.R. 22-6-20, and all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-503; effective Dec. 29, 2008.)

22-6-22. Hobbyist manufacturer license. (a) Each person engaged in the manufacture of consumer fireworks, display fireworks, or pyrotechnic articles for that individual's personal use shall obtain a license from the office of the state fire marshal.

(b) Each applicant shall meet the following requirements:

(1) Obtain a valid display operator license pursuant to K.A.R. 22-6-24; and

(2) pay a nonrefundable fee of \$50.

(c) Each licensee shall keep the original license posted on the manufacturing site at all times while engaging in manufacturing operations. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.

(d) The hobbyist manufacturer license shall be valid for four years from the date of issuance.

(e) The licensee shall comply with national fire protection association standard no. 1124, which is adopted by reference in K.A.R. 22-6-20, and all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-503; effective Dec. 29, 2008.)

22-6-23. Distributor license. (a) Each person engaged in the distribution of fireworks shall obtain a license from the Kansas state fire marshal's office.

(b) Each applicant shall indicate which of the following classes the applicant is requesting a license for on the application:

(1) Distributor of consumer fireworks;

(2) distributor of display fireworks;

(3) distributor of pyrotechnic articles; or

(4) unlimited distributor.

(c) Each applicant shall meet the following requirements:

(1) Provide a list of the name of each individual, owner, partner, and other responsible person in the applicant's business; and

(2) pay a nonrefundable fee of \$300.

(d) Each distributor license shall be valid for one year from the date of issuance.

(e) Each licensee shall keep the original license posted on the distribution site at all times while engaging in distribution operations. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.

(f) A license shall not be required for any of the following:

(1) Anyone who possesses a valid Kansas manufacturing license as specified in K.A.R. 22-6-21;

(2) anyone who transports fireworks from one state to another state through the state of Kansas if the ultimate destination of the fireworks is not within the state of Kansas;

(3) anyone who sells consumer fireworks during a fireworks season as a seasonal retailer;

(4) any freight delivery company or common carrier, as defined in 49 C.F.R. 171.8 on April 15, 1976, as amended; or

(5) any out-of-state person who sells, transports, delivers, or gives fireworks to a Kansas licensed manufacturer or distributor.

(g) Each licensee shall comply with national fire protection association standard nos. 1124 and 1126, which are adopted by reference in K.A.R. 22-6-20, and with all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-503; effective Dec. 29, 2008.)

22-6-24. Display operator license. (a) Each person who operates an outdoor display of display fireworks, as defined in K.A.R. 22-6-1, shall obtain a license from the office of the state fire marshal.

(b) Each applicant shall meet all of the following requirements:

(1) The applicant shall provide proof of experience in the performance of at least three firework displays in the last four years.

(A) For each of the three required displays, each applicant for a new display operator license shall include documentation of participation as an assistant under a display operator who has a valid Kansas license at the time of the displays. The licensed display operator shall provide written

verification of the applicant's participation in the display.

(B) For each of the three required displays, each applicant for renewal of the display operator license shall provide a signature from the local jurisdiction, organization sponsoring the display, Kansas licensed distributor who produced the display, or another Kansas licensed operator assisting with the display.

(2) The applicant shall pay a nonrefundable fee of \$40 for the initial application and the exam. For each additional exam required, the applicant shall be assessed a fee of \$10.

(3) The applicant shall complete a written examination, administered by the state fire marshal, and shall be required to achieve a passing score of at least 80 percent.

(c) The display fireworks operator license shall be valid for four years from the date of issuance.

(d) Each licensee shall keep the original license on the licensee's person at all times while performing duties as a display operator. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.

(e) No fee shall be charged for a display operator license for any person who is an officer or employee of the state or any political taxing subdivision of the state if that person is acting on behalf of the state or political taxing subdivision.

(f) Each licensee shall comply with national fire protection association standard no. 1123, which is adopted by reference in K.A.R. 22-6-20, and all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-503; effective Dec. 29, 2008.)

22-6-25. Proximate pyrotechnic operator license. (a) Each person who operates any indoor or outdoor pyrotechnic article, as defined in K.A.R. 22-6-1, shall obtain a license from the state fire marshal.

(b) Each applicant shall indicate which of the following classes the applicant is requesting a license for on the application:

(1) Indoor proximate pyrotechnic operator license;

(2) outdoor proximate pyrotechnic operator license;

(3) flame effect pyrotechnic operator license; or

(4) unlimited proximate pyrotechnic operator license.

(c) Each applicant shall meet all of the following requirements:

(1) The applicant shall provide proof of experience in the performance of at least three firework displays in the last four years.

(A) The applicant for a new license shall provide documentation of experience in the performance of at least three displays of pyrotechnic articles in the last four years. The use of at least four individual devices of pyrotechnic articles shall be used to qualify as a display.

(B) For each of the three displays required for renewal of the proximate pyrotechnic license, the applicant shall acquire a signature from the local jurisdiction, organization sponsoring the display, Kansas licensed distributor who produced the display, or another Kansas licensed proximate pyrotechnic operator licensee assisting with the display.

(2) The applicant shall pay a nonrefundable fee of \$40 for the initial application and the exam. For each additional exam required, the applicant shall be assessed a fee of \$10.

(3) The applicant shall complete a written examination, administered by the state fire marshal, and shall be required to achieve a passing score of at least 80 percent.

(d) The proximate pyrotechnic operator license shall be valid for four years from the date of issuance.

(e) Each licensee shall keep the original license on the licensee's person at all time while performing duties as a proximate pyrotechnic operator. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.

(f) No fee shall be charged for a proximate pyrotechnic operator license for any person who is an officer or employee of the state or any political taxing subdivision of the state if that person is acting on behalf of the state or political taxing subdivision.

(g) Each licensee shall comply with national fire protection association standard nos. 160 and 1126, which are adopted by reference in K.A.R. 22-6-20, and all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-503; effective Dec. 29, 2008.)

22-6-26. Fireworks storage permit. (a) Each person who stores display fireworks shall obtain a permit from the state fire marshal. A permit shall not be required for the use of day boxes, as defined in national fire protection association standard no. 1124, which is adopted by reference in K.A.R. 22-6-20, at a display site.

(b) Each applicant shall meet the following requirements:

(1) Hold a valid Kansas license to possess fireworks. The license shall be at least one of the following:

- (A) Display operator license;
- (B) hobbyist manufacturer license;
- (C) manufacturing license;
- (D) distributor license; or
- (E) proximate pyrotechnic operator license;

and

(2) pay a nonrefundable fee of \$25.

(c) Each licensee shall keep the original permit at the location of the storage site. A copy shall not be accepted as a valid permit if the permit holder is questioned by law enforcement, the fire department, or the local authority.

(d) Each storage permit shall be valid for one of the following, whichever occurs first:

- (1) Four years from the date of issuance;
- (2) the expiration date of the license specified in paragraph (b)(1); or

(3) the date on which the storage site is vacated if the site is vacated before the expiration date of the permit. The permit holder shall notify the Kansas state fire marshal's office and the local authority having jurisdiction when the site is vacated and is no longer in use.

(e) No fee shall be charged for a fireworks storage permit for any person who is an officer or employee of the state or any political taxing subdivision of the state if that person is acting on behalf of the state or political taxing subdivision.

(f) Each licensee shall comply with all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. 2007 Supp. 31-506; implementing K.S.A. 2007 Supp. 31-504; effective Dec. 29, 2008.)

22-6-27. Denial, suspension or revocation of permit or license. (a) A license or permit shall be denied issuance, suspended, or revoked by the state fire marshal if the state fire marshal finds that the applicant, licensee, or permit holder meets either of the following conditions:

- (1) Has been convicted of a felony; or

(2) knowingly provided false information in conjunction with an application for a license or permit.

(b) A license or permit may be denied issuance, suspended, or revoked by the state fire marshal if the state fire marshal finds that the applicant, licensee, or permit holder meets either of the following conditions:

(1) Violated any provision of any regulation of the state fire marshal; or

(2) failed, neglected, or refused to provide direct supervision over any unlicensed person who assisted in the performance of a fireworks display. (Authorized by and implementing K.S.A. 2007 Supp. 31-133 and 31-506; effective Dec. 29, 2008.)

Article 7.—FLAMMABLE AND COMBUSTIBLE LIQUIDS

Editor's Note:

This article was formerly entitled, "Bulk Oil and Service Stations; Flammable Liquids." Regulations formerly appearing hereunder were revoked.

22-7-1. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective, E-80-16, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1983; amended May 1, 1986; amended Sept. 17, 1990; revoked May 10, 1993.)

22-7-2. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective, E-80-16, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1987; amended Sept. 17, 1990; revoked May 10, 1993.)

22-7-3. (Authorized by and implementing K.S.A. 1980 Supp. 31-133; effective May 1, 1981; revoked May 10, 1993.)

22-7-4. (Authorized by and implementing K.S.A. 1980 Supp. 31-133; effective May 1, 1981; revoked May 1, 1983.)

22-7-5. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1986; amended Sept. 17, 1990; revoked May 10, 1993.)

22-7-6. Flammable and combustible liquids; applications and checklists. The state fire marshal shall make available on request applications, guidelines, checklists, procedures, applicable regulations and the like regarding the safe storage, use and sale of flammable and combustible liquids as well as the installation and maintenance of related tanks, piping, valves and dis-

pensers. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

22-7-7. Approval of plans. (a) Except as otherwise provided in this section, before the construction or modification of any installation for the storage, handling or use of flammable liquids is undertaken, drawings or blueprints made to scale shall be submitted to the state fire marshal with an application, all in duplicate, for approval. Within a reasonable time after receipt of the application with drawings or blueprints, the state fire marshal shall examine the plans and, if found to conform to applicable requirements of the Kansas Fire Prevention Code, shall signify approval of the application either by endorsement thereon or by attachment thereto, retain one copy for the files and forward the second copy to the Kansas Department of Health and Environment for their required approvals and eventual return to the requestor. If the drawings or blueprints do not indicate conformity with the applicable requirements of the Kansas Fire Prevention Code, the state fire marshal shall notify the applicant accordingly. Plans and applications shall be submitted postage paid to the address specified by the state fire marshal.

(b) The plans approval requirements applies to the following:

(1) Each new installation of tanks containing flammable or combustible liquids in the following amounts:

(A) Any state, county or local governmental unit installing tanks of 660 gallons or more capacity;

(B) any Industrial or Business company installing tanks of 660 gallons or more capacity;

(C) any agricultural farm installation of tanks of 1,100 gallons or more capacity; and

(D) any tank installed for the retail sale of flammable or combustible product through dispenser devices;

(2) any modifications to or replacements of tanks or piping at any establishment or facility meeting the requirements of (1); and

(3) any installation of new dispenser locations at any establishments or facility meeting the requirements of (1). This does not include the routine replacement of dispensers at existing sites.

(c) This plans approval requirements is in addition to any local jurisdiction requirements necessary to meet local zoning or permit approval and additional local requirements. In the event of a

dispute as to whether or not the drawings or blueprints show conformity with the applicable requirements of these regulations, the local decision can be appealed to the state fire marshal in accordance with statutory provisions.

(d) All submitted drawings shall include the following minimum information:

(1) The name of the person, firm, or corporation proposing the installation, the location thereof and the adjacent streets or highways;

(2) for bulk plants, in addition to any applicable features required under (4) and (5) of this section, the plot of ground to be utilized and its immediate surroundings, including any structures of value located on adjacent properties within 100 feet of the property line, on all sides, the complete layout of buildings, tanks, loading and unloading docks, and the types of construction of each building;

(3) for service stations, in addition to any applicable features required under (4) and (5) of this section, the plot of ground to be utilized and the complete layout of buildings, drives, and dispensing equipment;

(4) for above ground storage, the location and capacity of each tank, the dimensions of each tank, the class and name of liquid to be stored in each tank, the type of any tank supports, the types and sizes of normal and emergency valves, and the location of pumps and other facilities by which the tanks are filled or drained;

(5) in the case of underground storage, the location and capacity of each tank, the class and name of liquid to be stored in each tank, and the location of fill, gauge and vent pipes and openings; and

(6) in the case of installation for storage, handling or use of flammable liquids within the buildings or enclosures at any establishment or occupancy covered in this section, such detail as to show whether applicable requirements are met. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

22-7-8. Retroactivity. (a) Kansas Fire Prevention Code regulations governing flammable and combustible liquids shall apply uniformly at all new or existing establishments and facilities in Kansas except as modified below. Requirements pertaining to operational practices and use of containers shall apply and be enforced at all new or existing establishments and facilities at or in which flammable or combustible liquids are stored, han-

dled or used as of the effective date of these regulations.

(1) Physical installations shall apply and be enforced at all establishments and facilities erected, constructed, installed or first devoted to flammable or combustible liquid storage, handling or use on or after the effective date of these regulations.

(2) Establishments and facilities in existence prior to the effective date of these regulations shall comply with the following minimum requirements.

(A) The location or arrangement of buildings, tanks, platforms, docks, or spacing or clearances between these installations or between these installations and adjoining property lines, shall not be deemed to be distinctly hazardous and may be continued. When reconstruction or modernization of any noncomplying establishment or facility existing prior to the effective date of these regulations is undertaken, the elimination or correction of such nonconformity shall then be made in the course of such work.

(B) Lack of adequate emergency venting on any above ground tank, or lack of an operable fire valve at any tank opening below the liquid level on above ground tanks of more than 1,100 gallons or on any size above ground tank used for refueling at a service station, is deemed to be distinctly hazardous and shall be corrected or eliminated by no later than January 1, 1994 in all tanks except for crude oil tanks in oil fields, or tanks at refineries or marine or pipeline terminals.

(C) Lack of a liquid level gauge or a suitable means to prevent tank overfilling with the availability of appropriate conversion charts to determine the available capacity of a tank is deemed to be distinctly hazardous, and such system or means shall be installed and operable by no later than October 1, 1993.

(D) Lack of diking of existing above ground tanks to contain a fuel spill of at least 110 percent to the capacity of the largest tank is deemed to be distinctly hazardous, and such diking or containment shall be installed which contains the product at a location away from inhabited buildings or places of high value by no later than January 1, 1994.

(E) Lack of breakaway devices on all dispenser hoses and the secure anchoring of dispensers is deemed to be distinctly hazardous, and such shall be installed, anchored and operable by no later than October 1, 1993.

(F) Lack of a properly installed fire valve un-

derneath a dispenser in a pressurized piping system is deemed to be distinctly hazardous, and such device shall be installed immediately.

(G) Lack of a properly operating solenoid valve installed adjacent to any tank installed at an elevation which produces a gravity head on a dispensing device used to refuel vehicles and in the piping serving any such dispenser is deemed to be distinctly hazardous, and such valve shall be installed by no later than July 1, 1994, or at any prior date when such piping or dispenser is modified or replaced.

(H) Lack of a fire valve or vacuum-activated anti-siphon valve installed underneath any suction type dispenser served by above ground tanks at an elevation that produces a gravity head on a dispensing device used to refuel vehicles is deemed to be distinctly hazardous, and either a fire valve or anti-siphon vacuum activated valve shall be installed by no later than July 1, 1994, or at any prior date when such piping or dispenser is modified or replaced.

(I) Lack of substantial collision protection at the end of dispenser islands is determined to be distinctly hazardous, and such protection shall be provided no later than January 1, 1994, or any prior date when dispenser island is modified or upgraded. (Authorized by and implementing K.S.A. 1992 Supp. 31-133; effective May 10, 1993.)

22-7-9. Flammable and combustible liquid transfer responsibility. Each individual conducting the transfer of flammable or combustible liquids from a transport vehicle to a storage tank governed by the Kansas Fire Protection Code shall verify the available capacity of the tank prior to starting any transfer operations, be in attendance during such operations and take the necessary steps to insure that overfilling does not occur. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

22-7-10. Emergency response training.

(a) Each employee involved in fuel transfer into motor vehicles at a retail service station, including attendants and cashiers of self-service stations, upon employment and at least annually thereafter shall receive training from a responsible facility representative or industry organization on the proper procedures to be used in case of fire, overfill, or fuel spill situation. Such training shall include information regarding improper transfer of fuels, types of improper and illegal containers, and

instruction of the proper use of fire extinguishers. Documentation of such training shall be maintained and shall be available for inspection upon request by a deputy state fire marshal.

(b) Each establishment or facility involved in fuel transfer into motor vehicles at retail service stations shall have emergency instructions covering fire, overfill or fuel spill procedures posted and readily available in the vicinity of all control consoles or attendant locations. Emergency telephone numbers shall be included on the instructions. The owner or designee of each establishment or facility is responsible for developing and posting the instructions. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

22-7-11. Connection of above ground tanks to dispensers used for refueling vehicles. (a) Above ground tanks of no more than 12,000 gallons total capacity may be connected to a dispenser used for refueling vehicles if, by the determination of the state fire marshal, adequate safeguards, including distances to property of value, proper valving and dispenser protection are provided and a reasonable degree of safety is maintained.

(b) Local jurisdictions may supersede this approval through zoning, ordinance or permitting prohibitions against such installations. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

22-7-12. Aboveground abandonment of underground tanks. (a) Any underground tanks previously containing flammable or combustible liquids which are abandoned above ground shall be marked on two sides, in legible numbers not less than eight inches tall, the month, day and year the tank was first abandoned. The local fire department shall be notified of the location of any site where any group of tanks having a combined capacity of more than 12,000 gallons is abandoned.

(b) The tank owner shall be responsible for:

- (1) Purging the tank of vapors;
- (2) insuring that explosive concentrations of vapors cannot gather inside the tank; and
- (3) insuring that no opening of the tank is accessible to children.

(c) Tanks abandoned for more than twelve months shall then be rendered unusable by the tank owner by disassembly or other appropriate means which shall permit the free circulation of air throughout the tank.

(d) No underground tank shall be reinstalled for aboveground use without being certified for such use by meeting the requirements of UL standard 142 or equivalent. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

Article 8.—LIQUEFIED PETROLEUM GASES

22-8-1. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1979; amended, E-82-28, Dec. 22, 1981; amended May 1, 1984; amended Aug. 28, 1989; amended Sept. 17, 1990; revoked May 10, 1993.)

22-8-2. Required signs at liquefied petroleum gas facilities. Each owner or operator of a liquefied petroleum gas facility shall ensure that the requirements of this regulation are met. (a) Each bulk storage container for liquefied petroleum gas shall be marked with “Flammable LP gas” in letters at least six inches in height. A “No smoking” sign shall be posted within 20 feet of the container area.

(b) A weatherproof sign shall be posted at the main entrance to the facility stating the owner’s name, the address of the facility, the license number of the facility, and an emergency phone number, which shall be answered 24 hours a day and seven days a week. The owner or operator, or designee, shall be available for emergency callback. This sign shall be readable at all times and shall be marked with letters and numbers at least three inches in height. (Authorized by and implementing K.S.A. 2004 Supp. 55-1812; effective May 1, 1979; amended May 1, 1984; amended March 31, 2006.)

22-8-3. Definitions. (a) “End retail user” has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(b) “Interruption of service” has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(c) “Liquefied petroleum gas” has the meaning specified in K.S.A. 55-1807, and amendments thereto. This term is also known as “LP gas” or “LPG.”

(d) “Liquefied petroleum gas facilities” has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(e) “Liquefied petroleum gas marketer” and

“marketer” have the meaning specified in K.S.A. 55-1807, and amendments thereto.

(f) “Liquefied petroleum gas system” and “system” have the meaning specified in K.S.A. 55-1807, and amendments thereto.

(g) “LP gas motor fuel” means a material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane, including normal butane and isobutane, and butylenes.

(h) “Major modification” means a 2,000-gallon increase or decrease in the amount of LP gas storage or the relocation of any LP gas bulk storage tank, dispenser, or bulkhead.

(i) “Public transportation vehicle” means a motor vehicle used to transport persons for hire.

(j) “Recognized testing laboratory” means a nationally recognized testing agency approved by the state fire marshal that is staffed by qualified personnel, is properly equipped to conduct safety tests, and is regularly engaged in conducting tests and furnishing inspection and reexamination services.

(k) “Retail distribution of liquefied petroleum gas” has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(l) “Returned to service” has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(m) “Site plans” means a scale drawing of an LP gas marketer’s property showing the location of the site, including the location of the buildings, aboveground or underground tanks, and dispensing units, indicating the distances between all buildings, tanks, and units.

(n) “State fire marshal” means the fire marshal of the state of Kansas. (Authorized by and implementing K.S.A. 55-1812; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983; amended March 31, 2006.)

22-8-4. Certificate, requirements. (a) A person shall not inspect or install an LP gas motor fuel kit or components on a motor vehicle or public transportation vehicle without first obtaining a check list certificate, check list and check list seal from the office of the state fire marshal. A permit shall not be required for the following:

(1) a manufacturer of internal combustion engines which installs approved LP gas motor fuel equipment as part of the internal combustion engine manufacturing process;

(2) a person or firm in the business of repairing and handling internal combustion engines equipped with LP gas motor fuel equipment, provided that no alterations are made to the original installation of the LP gas motor fuel system. This shall not relieve a person or firm from the responsibility of performing leak checks to the LP gas motor fuel components that might have been disturbed during the handling or repair process; or

(3) a person who installs an LP gas motor fuel kit or component on a non-highway titled vehicle.

(b) Persons desiring a check list certificate shall complete an application on forms provided by the office of the state fire marshal and provide proof of liability insurance for the minimum amount of three hundred thousand dollars (\$300,000) single occurrence for persons who may receive damages or injuries as the result of an improper installation or inspection.

(c) A check list seal shall be placed on the lower left hand corner of the windshield by the inspector or installer. A check list seal shall become invalid and must be removed when the vehicle has been involved in an accident damaging any of the equipment or components of the LP gas motor fuel system or when title to the vehicle is transferred.

(d) A check list seal may be issued by the state fire marshal to replace a previously issued seal which has been destroyed provided the owner of the vehicle submits in writing a statement attesting to the fact that the seal was destroyed.

(e) A person shall not dispense LP gas motor fuel into a Kansas highway titled motor vehicle or public transportation vehicle if the vehicle does not bear a valid Kansas check list seal.

(f) All persons who install LP motor fuel kits or components on their own vehicles shall have them inspected by a person who holds a valid check list certificate. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983.)

22-8-5. Application and drawings. Each LP gas marketer who wants to construct a LP gas facility or make a major modification to an existing liquefied petroleum gas facility shall submit an application, on a form provided by the state fire marshal’s office, with drawings to the state fire marshal’s office as specified in this regulation. If required, the marketer shall send a copy of the

drawings to the local authority having jurisdiction before the marketer begins the construction or a major modification. (a) Each application shall be accompanied by drawings, which shall be made to scale on paper no larger than 11 inches by 17 inches. The tank drawings and site plan shall be clear and readable and shall show all dimensions. The applicant shall submit the application, drawings, and a review fee of \$35 and shall obtain approval from the state fire marshal before the construction of, or any major modification to, any of the following:

(1) Any bulk storage or transfer facility with an aggregate water capacity of more than 2,000 gallons;

(2) any tank installed for the retail sale of LP gas through dispenser devices;

(3) any portable cylinder storage and filling facility;

(4) any vehicle fuel dispensing station;

(5) any facility where the handling or use of liquefied petroleum gas is undertaken; or

(6) any liquefied petroleum gas service station.

(b) The construction or major modification of any liquefied petroleum gas facility with an aggregate water capacity exceeding 2,000 gallons shall not commence until the application and drawings are reviewed and approved by the state fire marshal.

(c) The requirement to submit drawings for approval shall be in addition to any local jurisdiction's zoning or permit approval requirements and any additional local requirements.

(d) All submitted drawings shall include the following information:

(1) The name of the person, firm, or corporation planning the new or modified LP gas facility, the location of the proposed facility, and the location of the adjacent streets or highways;

(2) for bulk plants, the location of the plot of ground to be utilized and its immediate surroundings, including any structures of value located on adjacent properties within 100 feet of the property line on all sides, and the complete layout of the buildings, tanks, point-of-transfer operations, driveways, and dispensing equipment;

(3) the location, capacity, and dimensions of each tank; the types, sizes, and locations of all valves, including hydrostatic relief and emergency shutoff valves; the location of all lines and pumps; the location of the plot of ground to be utilized; and the complete layout of the buildings, driveways, and dispensing equipment;

(4) the type, size, and location of all appliances piping located below ground and connected to aboveground equipment;

(5) for underground storage, the location and capacity of each tank, the class and name of the liquid to be stored in each tank, and the location of the fill openings, gauges, vent pipes, valves, and regulators;

(6) all details specifically requested in the application; and

(7) any other relevant information deemed necessary by the fire marshal. (Authorized by and implementing K.S.A. 55-1810; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983; amended March 31, 2006.)

22-8-6. Self service LP stations. Self service LP gas service stations open to the public except political or state subdivisions shall be prohibited in the state of Kansas. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982.)

22-8-7. Regular inspections of certain vehicles. (a) Each LP gas-powered vehicle used for public transportation, or the transporting of school children, shall be inspected on a regular basis, and at least once every two years, in accordance with the state fire marshal's approved check-list of written procedures for inspection of an LP gas-powered motor vehicle.

(b) Each inspection shall be conducted by a person who holds a valid check-list certificate from the state fire marshal. The owner of each vehicle shall keep a record of the inspections and shall make those records available for inspection upon request.

(c) Each vehicle bearing a check-list seal issued prior to May 1, 1985 shall be inspected prior to August 15, 1987. Each vehicle bearing a check-list seal issued on or after May 1, 1985 shall be inspected not later than the date which is two years after the date of issuance of the check-list seal. (Authorized by and implementing K.S.A. 1985 Supp. 31-133; effective May 1, 1986; amended May 1, 1987.)

22-8-8. Inspections. Each liquefied petroleum gas facility licensed under the Kansas propane and safety act shall be inspected by the state fire marshal or the state fire marshal's designee during the application process or during the first year of licensure. After each license renewal, the facility shall be inspected by the state fire marshal

or the state fire marshal's designee. (Authorized by and implementing K.S.A. 55-1808 and 55-1812; effective March 31, 2006.)

22-8-9. Approval process for application and drawings. (a) Each submitted application and the accompanying drawings specified in K.A.R. 22-8-5 shall be approved or denied pursuant to K.S.A. 55-1810 and amendments thereto.

(b) If the application or drawings do not indicate substantial conformity to the applicable requirements of the Kansas fire prevention code and the state fire marshal's regulations, the applicant shall be notified in writing that the application is deemed deficient by the state fire marshal. (Authorized by K.S.A. 55-1812; implementing K.S.A. 55-1810; effective March 31, 2006.)

22-8-10. Licensing requirements; classes; fees; renewals. (a) To obtain a license under the Kansas propane safety and licensing act, each applicant shall submit the following to the state fire marshal's office:

- (1) An application for each desired license;
- (2) proof that the training requirements in K.A.R. 22-8-11 for each desired license have been met;
- (3) proof of continuous general liability insurance coverage of at least \$1,000,000; and
- (4) a onetime, nonrefundable initial application fee of \$25, unless the applicant is an officer or employee of the state of Kansas or any political or taxing subdivision and that person is acting on behalf of the state or political taxing subdivision.

(b) If the license application is approved, the appropriate annual fee shall be paid before issuance of the license.

(1) The annual license fee for a class one dealer license, which shall be required for the retail distribution of liquefied petroleum gas, shall be \$175 per location.

(2) The annual fee for a class two bulk storage site license, which shall be required for the bulk storage of liquefied petroleum gas, shall be \$25 per tank.

(3) The annual fee for a class three cylinder transport license, which shall be required to operate a cylinder delivery service, shall be \$100 per vehicle.

(4) The annual fee for a class four cylinder filling license, which shall be required to operate a cylinder filling facility, shall be \$50 per facility. For the purpose of this paragraph, "cylinder filling

facility" shall include any facility that fills cylinders or sells cylinder valves.

(5) The annual fee for a class five recreational vehicle fueling license, which shall be required to fuel recreational vehicles or mobile fuel containers, shall be \$50 per facility.

(6) The annual fee for a class six cylinder exchange cabinet license, which shall be required to establish a cylinder exchange cabinet or participate in a cylinder program, shall be \$10 for each cabinet at any location. Each cabinet shall be required to have a new sticker applied to the cabinet annually. Each sticker shall be provided by the state fire marshal's office.

(7) The annual fee for a class seven self-serve liquefied petroleum gas dispensing license, which shall be required to operate a liquefied petroleum gas fueling facility, shall be \$50 per facility.

(8) The annual fee for a class eight installation and service of liquefied petroleum gas systems license, which shall be required to install, maintain, or modify a residential or commercial liquefied petroleum gas distribution and utilization system, shall be \$20 per technician.

(c) Each license shall expire on September 30 each year.

(d) Any LP gas license may be renewed annually. Each applicant for renewal shall submit the following to the state fire marshal's office on or before July 15:

- (1) The renewal form;
- (2) proof that the continuing education requirements have been met;
- (3) proof of continuous general liability insurance coverage of at least \$1,000,000; and
- (4) payment of each applicable annual license fee. (Authorized by K.S.A. 55-1812; implementing K.S.A. 55-1809 and 55-1812; effective March 31, 2006.)

22-8-11. Training requirements for initial licenses; instructor and class approval. (a) For each type of initial license sought, each applicant shall complete the required training specified in this regulation and approved by the state fire marshal.

(b) Each instructor and each class shall be required to be approved in advance by the state fire marshal. Each class, and any equivalent class approved by the state fire marshal, shall be required to meet the corresponding standards in the following certified employee training program (CETP) instructor guides by the propane educa-

tion and research council (PERC) and the national propane gas association (NPGA), which are hereby adopted by reference:

- (1) "Basic principles and practices," dated 2004;
- (2) "basic plant operations," dated 2004;
- (3) "layout, design and selection of a vapor distribution systems operation" and "preparing and installing DSO components," dated 2004;
- (4) "transfer systems operations," dated 2001;
- (5) "propane delivery basics," dated 2004;
- (6) "dispensing propane safely," dated 2005; and
- (7) "appliance installation," dated 2001.

(c) Each applicant shall submit proof of successful completion of the following required training, as applicable, to the state fire marshal's office:

- (1) For a class one dealer license, the basic principles and practices class;
- (2) for a class two bulk storage site license, the basic plant operations class, the distribution systems operation class, and the transfer systems operations class;
- (3) for a class three cylinder transport license, the propane delivery basics class;
- (4) for a class four cylinder filling license, the dispensing propane safely class;
- (5) for a class five recreational vehicle fueling license, the basic principles and practices class;
- (6) for a class six cylinder exchange cabinet license, the basic principles and practices class;
- (7) for a class seven self-serve liquefied petroleum gas dispensing license, the basic principles and practices class and the transfer systems operations class; or
- (8) for a class eight installation and service of liquefied petroleum gas systems license, the basic principles and practices class and either the appliance installation class or the layout, design and selection of a vapor distribution systems operation class. (Authorized by and implementing K.S.A. 55-1812; effective March 31, 2006.)

22-8-12. Continuing education requirements for license renewal. (a) Continuing education shall cover the normal job functions that the licensee is expected to perform and any new equipment, standards, and recommended practices or procedures introduced by the propane industry since the last license was issued.

(b) Each instructor and each continuing education class shall be required to be approved in advance by the state fire marshal.

(c) Each licensee shall submit proof of the required continuing education to renew the license.

For a class six cylinder exchange cabinet license, the licensee shall submit proof of the required continuing education for the licensee's designee at each leased or contracted location. (Authorized by and implementing K.S.A. 55-1812; effective March 31, 2006.)

22-8-13. Adoption of national codes. The following national fire protection association standards, including the annexes, are hereby adopted by reference: (a) Standard no. 54, "national fuel gas code," 2002 edition; and

(b) standard no. 58, "liquefied petroleum gas code," 2004 edition, except that the provisions of chapter 6.23 shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 55-1812; effective March 31, 2006.)

22-8-14. Interruption of LP gas service.

(a) Each licensee that modifies, repairs, services, or alters an end retail user's liquefied petroleum gas system shall fill out an "interruption of LP gas service form" for each modification, repair, service, or alteration. The licensee shall require the signature of the customer on the form and shall keep the original form on file for five years. The licensee shall make each form available to the state fire marshal upon request.

(b) The form specified in subsection (a) shall be obtained from or approved by the state fire marshal's office. This form is also known as an "out of LP gas" form. (Authorized by and implementing K.S.A. 2004 Supp. 55-1812; effective March 31, 2006.)

22-8-17. Public LP gas cylinder exchange cabinets. Each liquefied petroleum gas marketer and each owner or operator of a location with any public LP gas cylinder exchange cabinets shall ensure that the requirements of this regulation are met. (a) Each public LP gas cylinder exchange cabinet shall be located at least 10 feet from any doorway or opening in a building frequented by the public. Each cabinet shall be located at least 20 feet from any automotive fuel dispenser and at least 20 feet from any source of ignition.

(b) Each public LP gas cylinder exchange cabinet shall be protected from vehicle damage. The protection of each cabinet shall consist of guard posts or either tire bumpers or curbs made of concrete.

(1) Each guard post shall be designed and constructed as follows:

(A) Each post shall be constructed of steel that is at least four inches in diameter and is filled with concrete.

(B) The posts shall be spaced not more than four feet apart and at least four feet high from the top edge of the footing hole. A minimum of two posts shall be used.

(C) Each cabinet corner that does not abut a building shall be protected by a post.

(D) Each post shall be set at least three feet deep in a concrete footing that is at least 15 inches in diameter.

(E) Each post shall be painted yellow.

(F) The clearance between the posts and the cabinet shall be at least three feet.

(2) Each tire bumper or curb shall be designed and constructed as follows:

(A) Each bumper or curb shall be made of concrete and shall be at least four feet long.

(B) The premanufactured height of the bumper or curb shall be at least five inches.

(C) Each bumper or curb shall be permanently affixed to the sidewalk or driveway.

(D) The clearance between the cabinet and either the bumper or curb shall be at least three feet.

(E) Each bumper or curb shall be painted yellow.

(c) (1) All emergency information and product information on each public LP gas cylinder exchange cabinet shall be visible and readable from the front of each cabinet and on each cylinder. All company information, including an emergency phone number that is answered 24 hours a day and seven days a week, shall appear on each cabinet and cylinder and shall be readable. Each cabinet shall bear the words "No smoking" and "propane" in letters at least three inches high.

(2) Each exchange cabinet shall bear one or more warning labels that identify the hazards of propane in terms of the categories of health, flammability, and instability to provide basic information to fire-fighting, emergency response, and other personnel. Each warning label shall meet the requirements specified in national fire protection standard no. 704, 2001 edition, including the annexes, which is hereby adopted by reference.

(d) Each cylinder shall remain upright when stored in the exchange cabinet, whether the cylinder is empty, full, or partly full. (Authorized by

and implementing K.S.A. 2004 Supp. 55-1812; effective March 31, 2006.)

Article 9.—EQUIPMENT AND TRANSPORTATION; CASINGHEAD GASOLINE

22-9-1 to 22-9-16. (Authorized by K.S.A. 31-207, 75-1511; effective Jan. 1, 1966; revoked May 1, 1981.)

Article 10.—INSTALLATION AND CERTIFICATION STANDARDS FOR EXTINGUISHING DEVICES

Editor's Note:

This article was formerly entitled "Explosives." Regulation previously numbered 22-10-1 was revoked May 1, 1980, and the number reassigned to the current subject matter.

22-10-1. Certification standards, definitions. (a) "Business" means any person or firm who inspects, services or installs portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment. "Business" does not include any person or authorized agent of the person who installs a portable fire extinguisher for protection of the person's own property or business or any individual acting as a representative or employee of a certified firm.

(b) "Certificate" means a written document issued by the state fire marshal that authorizes a business to perform the act or acts permitted by these regulations.

(c) "Certified firm" means a business having a valid registration certificate issued by the state fire marshal.

(d) "Charge" means to fill and make a portable fire extinguisher or fixed extinguishing system cylinder or container ready for use.

(e) "Class" or "classes" mean the specific function or functions that a business is authorized to perform under these regulations.

(f) "Department of transportation (DOT) cylinder" means a cylinder manufactured and tested in compliance with specifications of the United States department of transportation.

(g) "Engineered system" means a fixed extinguishing system that requires individual calculation and design to determine the flow rates, nozzle pressure, quantities of extinguishing agent, and the number and types of nozzles and their placement in a specific system.

(h) "Firm" means any person, partnership, corporation, association or business which installs,

services, charges, recharges or inspects any portable fire extinguisher or fixed extinguishing system, unless otherwise exempted.

(i) "Fixed extinguishing system" means an automatic fire extinguisher for commercial cooking equipment.

(j) "Hydrostatic testing" means the pressure-testing of cylinders and containers by approved hydrostatic methods.

(k) "Portable fire extinguisher" means a device that contains chemical fluids, powders, or gases for extinguishing fires and has a label of approval attached by a nationally recognized testing laboratory.

(l) "Pre-engineered system" means a fixed extinguishing system with predetermined flow rates, nozzle pressures, and quantities of extinguisher agents.

(m) "Recognized testing laboratory" means a nationally recognized testing agency, approved by the state fire marshal, which is staffed by qualified personnel, properly equipped to conduct the particular tests in question, and is regularly engaged in conducting tests and furnishing reports on the inspections, examinations and tests of the most recent production of the listed product.

(n) "Self-contained cooking equipment" means a unit of cooking equipment manufactured with a grease collection and vapor removal apparatus as an integral part of the unit and provided with or designed for the installation of a fixed extinguishing system.

(o) "Service" means to conduct a thorough check of a portable fire extinguisher or fixed extinguishing system including charging, maintaining, recharging, repairing, testing or tagging necessary to give maximum assurance that the portable fire extinguisher or fixed extinguishing system will operate effectively and safely.

(p) "Test" means to subject any portable fire extinguisher or fixed extinguishing system to the procedure necessary to assure its proper operation or installation. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986; amended Jan. 21, 1991.)

22-10-2. Applicability. (a) These regulations shall apply to:

(1) any business that services, charges, re-

charges, installs or inspects portable fire extinguishers;

(2) any business that is manufacturer-authorized to service, charge, recharge, install or inspect fixed extinguishing systems;

(3) any business that is not manufacturer-authorized but is state-certified to service, recharge and inspect fixed extinguishing systems;

(4) any business that conducts hydrostatic testing of portable fire extinguisher or fixed extinguishing system cylinders or containers;

(5) any combination of (1), (2), (3) or (4); or

(6) any business that has employees who service, recharge or inspect only the portable fire extinguishers owned and used exclusively by the business.

(b) These regulations shall not apply to:

(1) any manufacturer who charges a portable fire extinguisher or fixed extinguishing system cylinder or container prior to its initial sale;

(2) any business engaged in the sale of approved portable fire extinguishers but not engaged in the servicing, charging, recharging, installing or inspecting of portable fire extinguishers; or

(3) any person or authorized agent of a person who installs a portable fire extinguisher for protection of that person's own property or business. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-81, Oct. 25, 1982; amended May 1, 1983; amended Jan. 21, 1991.)

22-10-3. Registration certificate. (a) Each business that services, recharges, installs or inspects portable fire extinguishers or fixed extinguishing systems or hydrostatically tests these cylinders or any combination of them shall obtain a registration certificate issued by the state fire marshal unless otherwise exempted by these regulations. The registration certificate shall indicate the class or classes that are authorized. A certified business shall only provide the classes listed under its own registration number. A certified business may take orders for a class or classes that are not authorized by its registration certificate if these orders are consigned to a business that is certified to perform those class or classes indicated.

(b) The registration certificate shall indicate one or more of the following class or classes:

(1) class RA permits servicing, recharging, in-

stalling or inspecting fixed extinguishing systems by a currently certified manufacturer's distributor;

(2) class RB permits servicing, recharging, installing or inspecting portable fire extinguishers;

(3) class RC permits hydrostatic testing of non-DOT cylinders, such as wet chemical or dry chemical containers; or

(4) class RD permits servicing, recharging, and inspecting fixed extinguishing systems.

(c) Each business that desires a registration certificate shall make a written application on forms prescribed by the state fire marshal and signed by the sole proprietor, each partner, or an officer of the corporation, as appropriate.

(d) class RA registration certificate application requirements.

(1) The applicant shall show proof of a minimum of \$500,000 insurance covering comprehensive general liability, bodily injury, property damage and completed operations.

(2) A \$50 application fee shall accompany the application.

(3) Written authorization shall be included from each fixed extinguishing system manufacturer whose products are used by the business including the types of systems the business is authorized and has been trained to install or service. The manufacturer's authorization shall remain valid until the employee's training certificate expires or is cancelled for misconduct.

(e) Class RB or RC registration certificate application requirements.

(1) The applicant shall show proof of a minimum of \$100,000 insurance covering comprehensive general liability, bodily injury, property damage and completed operations.

(2) A \$25 application fee shall accompany the application. No fee shall be charged for any person who is an officer or employee of the state or any political or taxing subdivision when that person is acting on behalf of the state or political or taxing subdivision.

(f) Class RD registration certificate application requirements.

(1) The applicant shall show proof of a minimum of \$1,000,000 insurance covering comprehensive general liability, bodily injury, property damage and completed operations.

(2) A \$50 non-refundable application and test fee shall accompany the application. No fee shall be charged for any person who is an officer or employee of the state or any political or taxing subdivision of the state when that person is acting

on behalf of the state or political or taxing subdivision.

(3) Proof that an employee has either:

(A) received training from the manufacturer of each fixed extinguishing system whose products are used by the business indicating the type or types of systems the employee has been trained to service; or

(B) meets the following requirements:

(i) a notarized affidavit filed with the state fire marshal's office attesting that the employee has a minimum of two years experience in servicing, recharging and inspecting fixed extinguishing systems and has access to the tools and service manuals for each fixed extinguishing system the business services; and

(ii) has within the current calendar year passed the state fire marshal's written examination with a grade of at least 70 percent.

(g) If, after reviewing the application, insurance information, record of services, servicing and shop facilities and methods and procedures of operations, the state fire marshal finds that granting or renewing a registration certificate would be in the interest of public safety and welfare, a certificate for the appropriate classes of registration requested by the business shall be issued or renewed by the state fire marshal. An identifying number shall be assigned by the state fire marshal to each registration certificate.

(h) Each registration certificate shall be valid for one calendar year. Renewal applications shall be submitted to the state fire marshal by November 30 of the year of expiration shall meet the requirements of (d), (e), and (f) of this regulation.

(i) Evidence that a registration certificate has been altered shall render the certificate invalid and the altered certificate shall be surrendered to the state fire marshal.

(j) Any change in the location or ownership of a certified business shall be reported in writing to the state fire marshal at least 14 days before the change. Failure to notify the state fire marshal may render the registration certificate invalid. Every location or ownership change shall be verified by the state fire marshal or an authorized deputy.

(k) Every registration certificate issued by the state fire marshal shall be posted at the certified location and be available for inspection during normal business hours.

(l) A duplicate registration certificate may be issued by the state fire marshal to replace one

which has been lost or destroyed if a written statement attesting to the loss or destruction of the original certificate is submitted.

(m) A registration certificate shall not constitute authorization for a registration certificate holder or the holder's employees;

(1) to enter any property or building; or

(2) to enforce any provision of these regulations. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective, E-82-3, Jan. 21, 1981, effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Aug. 28, 1989; amended Sept. 17, 1990; amended Jan. 21, 1991.)

22-10-3a. (Authorized by and implementing K.S.A. 1989 Supp. 31-133 and K.S.A. 1989 Supp. 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective Jan. 21, 1991; revoked May 10, 1993.)

22-10-4. (Authorized by and implementing K.S.A. 1982 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; revoked, T-83-31, Oct. 25, 1982; revoked May 1, 1983.)

22-10-5. (Authorized by and implementing K.S.A. 31-133 and 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; revoked May 1, 1982.)

22-10-6. Requirements. The requirements for the servicing, charging, recharging, installing or inspecting or hydrostatic testing of portable fire extinguishers or fixed extinguishing systems shall be performed in accordance with these regulations and the manufacturer's recommended procedures at the time of installation. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Jan. 21, 1991.)

22-10-7. Sale or lease of portable fire extinguishers. A portable fire extinguisher or fixed extinguishing system shall not be sold, leased, or installed in the state of Kansas unless it carries a label of approval from a recognized testing laboratory. (Authorized by and implementing K.S.A. 31-133 and 31-133a; effective, E-82-3, Jan.

21, 1981; effective May 1, 1981; amended May 1, 1982.)

22-10-8. Prohibited extinguishers. The sale, lease, servicing, or recharging of carbon tetrachloride fire extinguishers in the state of Kansas shall be prohibited. (Authorized by and implementing K.S.A. 31-133 and 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982.)

22-10-9. Service tags. (a) A new service tag shall be attached to a portable fire extinguisher or fixed extinguishing system in a position that shall be convenient to inspect, but that shall not hamper its operation or removal.

(b) Each service tag shall contain:

- (1) the servicing firm's business name;
- (2) the address of the servicing business;
- (3) the registration certificate class and number;
- (4) the type of service performed;
- (5) the date the service is performed;
- (6) the label "do not remove by order of the state fire marshal";
- (7) the signature of the service person; and
- (8) the type of extinguisher.

(c) Service tags shall be printed for a minimum of two years use. Service tags shall be approximately two and one-half inches in width and not more than five and one-half inches in length.

(d) All required information shall appear on one side of the service tag. Any other desired printing or information shall be placed on the reverse side of the tag.

(e) Every tag attached to an extinguisher serviced by a certified business after January 1, 1991 shall conform to these regulations.

(f) No person shall remove a service tag except when further service is performed. No person shall deface, modify, or alter a service tag attached to a portable extinguisher or fixed extinguishing system. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Jan. 21, 1991.)

22-10-10. (Authorized by and implementing K.S.A. 1982 Supp. 31-133; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; revoked May 10, 1993.)

22-10-11. Approval of fixed extinguishing systems. (a) The authority to approve or disapprove any fixed extinguishing system installed in this state shall lie in the state fire marshal or deputy state fire marshal. This determination shall be made pursuant to K.A.R. 22-10-13, 22-10-14 and 22-10-17, or to the manufacturer's installation instructions.

(b) When a fixed extinguishing system is disapproved written notification of this disapproval shall be forwarded to the business making the installation and to the owner or occupant of the premises where the fixed extinguishing system is installed. This written notification shall include the reason or reasons why the fixed extinguishing system was disapproved. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Oct. 29, 1990.)

22-10-12. (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986; amended Aug. 28, 1989; revoked May 10, 1993.)

22-10-13. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a, as amended by L. 1990, Ch. 135, Sec. 1; effective, T-82-3, Jan. 1981; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended Oct. 29, 1990; revoked May 10, 1993.)

22-10-14. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a, as amended by L. 1990, Ch. 135, Sec. 1; effective, T-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986; amended Jan. 21, 1991; revoked May 10, 1993.)

22-10-15. Fire extinguishers. Approved portable fire extinguishers shall be maintained in a fully charged and operable condition, and kept in their designated places at all times when not in use. (Authorized by and implementing K.S.A. 31-133; effective May 1, 1985.)

22-10-16. Automatic extinguishing sys-

tems. In addition to the provisions of K.A.R. 22-10-15, each facility maintaining commercial cooking equipment shall have approved automatic extinguishers mounted in the ventilation canopies or directly above such equipment. All equipment shall bear the label of a nationally-recognized testing laboratory and shall contain an approved extinguishing agent. The state fire marshal may exempt a facility from the requirements of this regulation, if in the marshal's opinion, the exemption from this requirement would not present an immediate life safety hazard. (Authorized by and implementing K.S.A. 1985 Supp. 31-133; effective May 1, 1985; amended May 1, 1987.)

22-10-17. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a, as amended by L. 1990, Ch. 135, Sec. 1; effective May 1, 1987; amended Aug. 28, 1989; amended Sept. 17, 1990; amended Jan. 21, 1991; revoked May 10, 1993.)

22-10-18. Minimum performance standards for holders of class RA registration certificates. (a) Each Class RA registration certificate holder shall insure that the performance of servicing, recharging, installing or inspecting of fixed extinguishing systems in commercial cooking equipment is done in accordance with the Kansas Fire Prevention Code, the appropriate national standards adopted therein and the applicable current design specifications of the manufacturer.

(b) Each Class RA registration certificate holder installing fixed extinguishing systems in commercial cooking equipment shall provide the state fire marshal with written notification within 30 days after installation of each new installation in Kansas. This notification shall contain:

(1) the business name and location of the installation;

(2) reference to the section of the manufacturer's installation manual by which it was installed;

(3) the date of the installation;

(4) the name, address and certificate number of the business making the installation;

(5) the make and model of the system; and

(6) a drawing of the piping layout and nozzle placement as installed.

(c) The performance of servicing, recharging, installing or inspecting of fixed extinguishing systems in commercial cooking equipment conducted after June 30, 1993 shall include the completion of a checklist, in addition to any other

required tag. The original checklist will be left with a business representative at the time the servicing, recharging, installation or inspection is completed. A copy of the checklist will be maintained by the Class RA registration certificate holder for at least 24-months during which time it is subject to inspection on demand by a deputy state fire marshal during normal business hours. The checklist shall include:

- (1) the type of system;
- (2) the type of service;
- (3) the business name and location of the system;
- (4) the items checked, repaired or replaced;
- (5) the date of service;
- (6) the starting time and ending time of the work;
- (7) the name of the person completing the work;
- (8) the name, address and certificate number of the Class RA Registration Certificate holder conducting the work;
- (9) a notation of corrective action, modification or any continuing non-complaint items;
- (10) the signature of a representative of the business; and
- (11) a statement notifying the business that the checklist will be kept available for inspection by a deputy state fire marshal or local fire inspector.

(d) A new installation of a fixed extinguishing system may be permitted in an existing range hood for vapor removal not strictly in compliance with NFPA pamphlet no. 96 if the state fire marshal determines that no distinct life safety hazard would result.

(e) The installation of a fixed extinguishing system in self-contained cooking equipment need not comply with NFPA pamphlet no. 17, 17A and 96 if designed and installed according to the manufacturer's specification. (Authorized by and implementing K.S.A. 1991 Supp. 31-133 and 31-133a, as amended by L. 1992, ch. 220, subsection 1; effective May 10, 1993.)

22-10-19. Minimum performance standards for holders of class RB and RC registration certificates. (a) Each Class RB registration certificate holder shall insure that the performance of servicing, recharging, installing, or inspecting portable fire extinguishers is done in accordance with the Kansas Fire Prevention Code, the appropriate national standards adopted

therein and any applicable design specifications of the manufacturer.

(b) Each Class RC registration certificate holder shall insure that the performance of hydrostatic testing of non-DOT fire extinguisher cylinders is done in accordance with the Kansas Fire Prevention Code, the appropriate national standards adopted therein and any applicable design specifications of the manufacturer.

(c) The performance of servicing, recharging, installing or inspecting of portable fire extinguishers or hydrostatic testing of non-DOT fire extinguisher cylinders conducted after June 30, 1993 shall include, in addition to any other required tags or labels, the completion of a checklist or invoice. The original checklist or invoice will be left with a business representative at the time the servicing, recharging, installation or inspection is completed. A copy of the checklist will be maintained by the Class RB or RC registration certificate holder for at least 24 months during which time it is subject to inspection on demand by a deputy state fire marshal during normal business hours. The checklist or invoice shall include:

- (1) the business name and location;
- (2) the date of service;
- (3) the starting time and ending time of the work;
- (4) the name of the person completing the work;
- (5) the name, address and certificate number of the RB or RC registration certificate holder conducting the work;
- (6) the signature of a representative of the business;
- (7) a statement notifying the business that the checklist or invoice will be kept available for inspection by a deputy state fire marshal or local fire inspector; and
- (8) a summary of the number and types of extinguishers serviced and the type of service performed.

(d) Six-year maintenance labels. After June 30, 1993, each six-year maintenance shall be recorded on a record label consisting of a mylar decal or sticker, with dimensions not exceeding 1.5 inches by 2.5 inches, which shall be affixed on the exterior of the extinguisher shell. Any six-year maintenance tags previously attached to an extinguisher shall be removed prior to affixing a new tag. The label shall contain:

- (1) the year and month that the six-year maintenance was performed;

(2) the name of the firm completing the service;

(3) the initials of the person performing the maintenance.

(e) After June 30, 1993, whenever a low-pressure hydrostatic test is performed, it shall be recorded on a test label consisting of a mylar decal or sticker, with dimensions not exceeding 1.5 inches by 2.5 inches, which shall be affixed on the exterior of the extinguisher shell. Any test tag previously attached to an extinguisher shall be removed prior to affixing a new tag. The record label shall contain:

(1) the year and month that the test was performed;

(2) the test pressure;

(3) the name of the firm completing the service; and

(4) the initials of the person performing the maintenance.

(f) Internal service tags. After June 30, 1992, the following requirements shall be met.

(1) In addition to any other label required by these regulations, an internal service tag shall be provided each time an extinguisher is opened for any type of maintenance or for any other purpose. The following types of extinguishers are exempt from this requirement:

(A) carbon dioxide;

(B) halogenated agents;

(C) dry chemical external cartridge-operated types; and

(D) extinguishers containing water or water-type solutions.

(2) An approved standard internal service label shall be at least ½ inch by 3½ inch, on a durable material, either white or yellow in color, with a pressure sensitive adhesive backing conforming to the standards of UL 969, marking and labeling systems.

(3) Internal service labels shall contain:

(A) The Registration certificate number of the firm conducting the work;

(B) the month and year the service was performed; and

(C) the initials of the person conducting the work.

(4) A new internal label shall be provided for an extinguisher each time internal service is performed for any purpose.

(5) Internal service labels shall be affixed in the following manner.

(A) Any label previously attached shall be removed prior to affixing a new tag.

(B) The area to which the tag is to be affixed shall be cleaned to remove all residue of any kind, including old adhesive from a previously attached tag.

(C) The tag shall be placed within 1 inch of the top of the siphon tube below the valve assembly.

(D) The tag shall be pressed and adhered solidly around the tube. The writing must remain visible. Under no circumstances shall the required information be written directly on the siphon tube. (Authorized by and implementing K.S.A. 1992 Supp. 31-133 and 31-133a, as amended by L. 1992, ch. 220, subsection 1; effective May 10, 1993.)

Article 11.—ADULT CARE HOMES, HOSPITALS, RESIDENTIAL CARE FACILITIES AND MATERNITY CENTERS

22-11-1 and 22-11-2. (Authorized by and implementing K.S.A. 31-133, 31-147; effective Jan. 1, 1973; amended May 1, 1983; revoked May 1, 1985.)

22-11-3 and 22-11-4. (Authorized by K.S.A. 31-133, 31-147; effective Jan. 1, 1973; revoked May 1, 1981.)

22-11-5. Health care facilities; fire protection. (a) Each health care facility shall have fire protection available from an organized fire department.

(b) Each health care facility which is not located in an area served by a fire department may establish a contract with a nearby fire department to furnish fire protection.

(c) Telephone service to the department furnishing fire protection shall be provided. (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-147; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1986.)

22-11-6. Maternity centers. (a) Definitions. (1) "Code" means the 1988 edition of the national fire protection association pamphlet no. 101, the life safety code.

(2) "Maternity center" means a facility licensed as a maternity hospital which provides delivery services for normal, uncomplicated pregnancies for not more than three women at any one time.

(3) "Grade level" means a floor which is level with the surrounding ground and from which it is not necessary to traverse over stairs to exit.

(b) Location. (1) The labor and delivery room or rooms of a maternity center shall be located on the grade level floor of the building.

(2) If the state fire marshal determines that sufficient additional precautions have been taken, the location of labor and delivery rooms on floors above grade level may be permitted. Such additional precautions shall include: (A) Fire-resistive or protected non-combustible building construction;

(B) a properly installed and maintained sprinkler system;

(C) properly designed ramp access from the floor on which labor and delivery rooms are located, to grade level;

(D) a one-hour fire-rated wall separating the maternity center from other occupants when located in a building with mixed occupants; and

(E) other precautions necessary to provide a reasonable degree of life safety.

(c) The interior finish of the maternity center shall have a flame spread of 75 or less, class B.

(d) The maternity center shall provide fire extinguishers in accordance with K.A.R. 22-10-12.

(e) The maternity center shall have a supervised manual and automatic fire alarm system. Properly installed smoke detectors which are interconnected to the fire alarm system shall be strategically placed throughout the maternity center.

(f) The maternity center shall have an emergency lighting system which automatically provides illumination in the event of an interruption of electrical service.

(g) The maternity center shall have at least two approved exits from each floor. Each exit that is not obvious shall be provided with an approved, lighted exit sign.

(h) Each maternity center shall have a written evacuation plan. Each staff member shall be informed of, and shall have access to, the plan. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended Sept. 17, 1990.)

22-11-7. (Authorized by and implementing K.S.A. 1983 Supp. 31-133, 31-147; effective May 1, 1983; revoked May 1, 1985.)

22-11-8. Life safety code adopted; one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, and boarding care homes for the mentally retarded. (a)

National fire protection association, life safety code, pamphlet no. 101, 1988 edition, effective February 2, 1988, chapter 21, pertaining to residential board and care occupancies, is hereby adopted by reference. The provisions of chapter 21 shall apply to one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, and boarding care homes for the mentally retarded.

(b) A life safety code inspection of a home shall be performed by the state fire marshal or an authorized representative under K.S.A. 31-137 upon request from the Kansas department of health and environment.

(c) As used in this paragraph "ambulatory" means the physical and mental capability of getting in and out of bed and walking in a normal path to safety in a reasonable period of time without the aid of another person. "Non-ambulatory" means the physical or mental incapability of getting in and out of bed and walking a normal path to safety without the aid of another person.

(1) Ambulatory residents who are able to walk without the aid of another person but are unable to move from place to place without the use of a device such as a walker, crutches, wheel chair or wheeled platform shall be housed on the ground level of a home, provided handicap accommodations for exiting are present.

(2) Fully ambulatory residents who do not require the use of a device such as a walker, crutches, wheel chair or wheeled platform may be housed on any level of a home.

(3) Non-ambulatory persons shall not be allowed as residents.

(d) The following fundamental fire and life safety requirements shall be imposed in all one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes and boarding care homes for the mentally retarded, in addition to chapter 21 of the life safety code:

(1) Emergency lighting shall be provided to insure illumination for evacuation in case of a power failure.

(2) Fire alarms, smoke detectors and fire extinguishers shall be maintained in an operable condition at all times.

(3) Fire drills shall be conducted as frequently as necessary, and at least once every three months, to insure orderly egress in case of an emergency.

(4) Each exit, and each route to each exit, shall

be clearly marked so that all residents will readily know the direction of egress from any point within the building.

(5) Each exit shall be arranged and maintained to provide free, unobstructed egress. Locks or fastening devices shall not be installed to prevent free escape from inside the building.

(6) Each building shall be constructed, arranged, equipped, maintained and operated to avoid danger to the lives and safety of its residents from fire, smoke, fumes and panic during emergency situations. (Authorized by and implementing K.S.A. 1989 Supp. 31-133 and 31-147; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended Sept. 17, 1990.)

Article 12.—RESIDENTIAL OCCUPANCIES

22-12-1 and 22-12-2. (Authorized by K.S.A. 31-133, 31-147; effective Jan. 1, 1973; revoked May 1, 1980.)

Article 13.—PLACES OF ASSEMBLY

22-13-1. (Authorized by K.S.A. 1979 Supp. 31-133; effective Jan. 1, 1973; revoked May 1, 1980.)

22-13-2 to 22-13-33. (Authorized by and implementing K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973; revoked May 1, 1985.)

22-13-34. Heavy duty flexible metal gas connectors for commercial appliances. Flexible metal gas connectors may be used in connection with gas fired movable cooking equipment in any public building, resort, or hotel, as such term as defined by K.S.A. 1978 Supp. 36-501. Such assemblies shall be of a two (2) wall construction. The exterior wall shall either be metal braiding or metal interlocking casing. All flexible metal gas connectors shall be equipped with a cadmium-plated steel or brass quick-disconnect coupling equipped with a thermal shut-off. The flexible connectors and the quick disconnect device shall comply with the American national standards institute inc. (ANSI) regulations Z21-45-1971 and Z21-41-1971 respectively. A manual shut-off valve shall be installed in the piping immediately ahead of the quick disconnect device. The shut-off valve shall be an approved gas cock valve. (Authorized by K.S.A. 1978 Supp. 31-133, 36-133; effective May 1, 1979.)

22-13-35. (Authorized by and implementing K.S.A. 31-133; effective May 1, 1985; amended Aug. 28, 1989; revoked May 10, 1993.)

Article 14.—MERCANTILE OFFICE, INDUSTRIAL STORAGE AND MISCELLANEOUS STRUCTURES

22-14-1. (Authorized by K.S.A. 1979 Supp. 31-133; effective Jan. 1, 1973; revoked May 1, 1980.)

Article 15.—CHILD CARE FACILITIES

22-15-1 to 22-15-6. (Authorized by K.S.A. 1979 Supp. 31-133; effective Jan. 1, 1973; revoked May 1, 1980.)

22-15-7. Juvenile detention centers. (a) “Juvenile detention center” means a facility where juveniles below 18 years of age are housed in incarcerated conditions, with or without locked exit doors and with or without locked security room doors.

(b) Juvenile detention centers one story in height shall be constructed of one-hour protected noncombustible construction or two-hour fire resistive construction. Juvenile detention centers two stories or more in height shall be constructed of at least two-hour fire resistive construction. In existing facilities now in operation and not conforming to new construction standards, a waiver of construction standards may be granted by the state fire marshal, if the state fire marshal believes that reasonable life safety from fire is attained.

(c) At least two approved exits shall be provided from each floor. The exits shall be doors leading directly outside at ground level, or enclosed stairs leading directly to the outside. In existing facilities, an outside fire escape constructed according to the standards of the uniform building code or national fire protection association, may be used as one exit if it is not possible to provide two enclosed stairs to the outside. Exits shall be remote from each other with no dead end corridors in new construction. Dead end corridors in existing facilities shall be allowed only with the approval of the state fire marshal.

(d) Exit stairs shall be enclosed with one-hour rated construction with at least one-hour B label doors at each floor opening in two-story facilities. Exit stairs shall be enclosed with two-hour rated construction with one and one-half-hour B label doors at each floor opening in facilities of three

or more stories. Stairs not required as exits shall be of the same construction as exit stairs except that, when connecting no more than two floors, a single one-hour B label door is acceptable at either the top or bottom of stairs to prevent spread of fire or smoke from one floor to the other. All stairway doors shall be self closing.

(e) Hazardous areas shall be enclosed with at least one-hour construction, with doors appropriate to the degree of hazard, but not less than 1¾ inch thick solid wood core. Hazardous areas include boiler or furnace rooms, laundry and soiled linen rooms, and major combustible storage rooms.

(f) All sleeping or security rooms shall be equipped with 1¾ inch solid wood core doors or an equivalent metal door. Doors may have no more than 100 square inches of vision panel glazed with wired glass in steel frame. Open screening or bars in corridor walls or doors are not permitted.

(g) Facilities for 11 or more persons shall have approved manual pull fire alarm systems.

(h) Rooms with locked doors shall not be located on a dead end corridor.

(i) Locks: (1) When electric locks are used, they shall be the type that can be unlocked at any time by the use of a key.

(2) When doors are lockable, the staff on duty shall carry a key at all times, and all doors within the same building shall be keyed to a common key.

(3) All locks on sleeping room or security room doors shall be the deadbolt type.

(j) Electrical: (1) In each new facility, wiring shall meet the national electric code, 1990 edition. Wiring shall not be exposed except in conduit, and all wiring shall be in safe condition and properly fused. Extension cords shall not be used.

(2) Corridors and exit stairs shall be lighted at all times at one foot candle power at floor level. Emergency lighting shall be provided at each facility in the event of power failure and shall be installed in compliance with the national electric code, 1990 edition.

(3) Exits shall be identified by either internally illuminated exit signs or, when automatic emergency lighting is provided, by internally or externally illuminated signs. At all times, five foot candle power illumination shall be on the face of the sign.

(k) There shall be at least one staff member,

with a key, on duty at all times and awake on each occupied floor.

(1) Interior finish shall be class A, 0-25 flame spread, material. Drapes and curtains shall be flame retardant. Carpet shall be certified tested by ASTM-E-84 test and be rated 75 or below in flame spread, smoke density and fuel contribution. Carpet pad shall not be foam type. Mattresses and pillows shall not be foam filled. Furniture shall not be foam filled except in sitting areas completely separated from sleeping areas.

(m) An operational fireplace shall be: (1) properly constructed and vented with lined chimney;

(2) equipped with spark screen; and

(3) supervised at all times when in use.

(n) Flammable liquids or gasoline powered equipment shall not be stored within the building. When stored on the grounds in a separate building, the building shall be locked when not in use.

(o) Smoking areas shall be posted and provided with ash trays. Each waste container in or near smoking areas shall be noncombustible and self closing.

(p) A fire extinguisher shall be provided on each floor within 75 feet travel distance. Each extinguisher shall be ABC type with at least 2A rating.

(q) A fire evacuation plan shall be provided for each staff member. Fire training drills shall be conducted at least quarterly for staff members.

(r) An existing building, housing detention occupancies, established prior to the effective date of this code, may have its use continued if it conforms or is made to conform to the provisions of this code, or if in the opinion of the authority having jurisdiction, reasonable life safety against the hazards of fire, explosion and panic is provided and maintained. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1979; amended May 1, 1986; amended Sept. 17, 1990.)

Article 16.—INSTALLATION, MAINTENANCE AND USE OF PORTABLE FIRE EXTINGUISHERS

22-16-1 to 22-16-11. (Authorized by K.S.A. 1980 Supp. 31-133; effective, E-73-14, March 13, 1973; effective, E-74-9, Jan. 1, 1974; effective, E-74-55, Sep. 30, 1974; effective May 1, 1975; revoked May 1, 1981.)

**Article 17.—SALE AND DISTRIBUTION
OF EARLY WARNING, FIRE
SUPPRESSION OR FIRE ALARM
DEVICES**

22-17-1. Official NFPA definitions. Shall is intended to indicate requirements.

Approved means acceptable to the authority having jurisdiction. The national fire protection association does not approve, inspect or certify any installations, procedures, equipment or materials nor does it approve or evaluate testing laboratories. In determining the acceptability of installations or procedures, equipment or materials, the authority having jurisdiction may base acceptance on compliance with NFPA or other appropriate standards. In the absence of such standards, said authority may require evidence of proper installation, procedure or use. The authority having jurisdiction may also refer to the listings or labeling practices of nationally recognized testing laboratories,* *i.e.*, laboratories qualified and equipped to conduct the necessary tests, in a position to determine compliance with appropriate standards for the current production of listed items, and the satisfactory performance of such equipment or materials in actual usage.

Listed: Equipment or materials included in a list published by a nationally recognized testing laboratory that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

Labeled: Equipment or materials to which has been attached a label, symbol or other identifying mark of a nationally recognized testing laboratory that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling is indicated compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

Authority having jurisdiction shall mean the state fire marshal or any of his authorized deputies. (Authorized by K.S.A. 31-133; effective May 1, 1975.)

* An example of a laboratory that is nationally recognized would be Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611.

22-17-2. Approval of devices. (a) An early warning, fire suppression or fire alarm device shall not be sold, offered for sale, or distributed within

the state of Kansas without prior approval of the state fire marshal.

(b) Each early warning, fire suppression and fire alarm device shall be listed by and bear the label of a nationally-recognized testing laboratory unless the requirement is waived by the state fire marshal. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1975; amended May 1, 1986.)

**Article 18.—EDUCATIONAL
OCCUPANCIES**

22-18-1. (Authorized by K.S.A. 1979 Supp. 31-133; effective May 30, 1975; revoked May 1, 1980.)

22-18-2. Fire and tornado drills in schools. (a) The administrators of all schools, both public and private in the state of Kansas except community junior colleges, colleges and universities shall conduct at least one (1) fire drill each month. Fire drills shall be conducted during school hours aside from regular dismissal time at noon or at close of days session. Fire drills shall be unannounced and shall be conducted by the use of the regular fire alarm system. Fire drills shall include all floors, wings and sections of the building. Every person shall vacate the building during the fire drill and teachers and administrators shall accompany their pupils from the building and account for each pupil within their authority. All doors and exits shall be kept unlocked and unobstructed when building is occupied. It shall be the duty of the school board or board of trustees of all schools both public and private to assure that such fire drills are conducted and true and accurate records of such drills are kept on forms provided by the state fire marshal and posted in a conspicuous location and filed with the state fire marshal at the end of each school year. It shall also be the responsibility of said school boards that the fire alarm system in each school within their district is maintained in working order and shall be activated at all times during occupancy.

(b) The administrators of all schools both public and private except community junior colleges, colleges and universities shall conduct at least three (3) tornado drills during each school year. Tornado drills shall be conducted during school hours aside from regular dismissal time at noon or at close of the day's session. Tornado drills shall be conducted by using a method of alerting dis-

tinctly different from the fire alarm, this may be by using public address system, or by method recommended by local civil defense director. Tornado drills shall include all floors, wings and sections of the building and every person in the building shall take refuge in designated tornado safety area. The school administrator shall determine area to be used for tornado refuge and shall work with local civil defense director, in areas where one is available, to establish tornado safety procedure. It shall be the duty of the school board or board of trustees of all schools, both public and private, to assure that such tornado drills are conducted and a true and accurate record of such drills are kept on forms provided by the state fire marshal and posted in a conspicuous location and filed with the state fire marshal at the end of each school year.

(c) The administrator of each community junior college, college and university within the state shall establish tornado procedures for each facility within their institution designating tornado safety refuge areas and posting them as such, and posting within each building in a conspicuous location, a notice of location of tornado safety refuge area. Administrators shall provide copies of tornado plan to local civil defense director for approval or in areas where there is no local civil defense director, plan shall be furnished to state civil defense council for approval. (Authorized by K.S.A. 1978 Supp. 31-133; effective May 1, 1979.)

22-18-3. School buildings, construction requirements. (a) From and after July 1, 1993 and except as provided in subsection (b), the construction of school buildings shall comply with the requirements of the 1991 edition of the uniform building code, volume 1, and the 1991 edition of the uniform mechanical code, of the international conference of building officials. All electric wiring shall conform to the requirements of the 1990 edition of the national electric code of the national fire protection association. Minimum plumbing requirements shall meet the 1991 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials.

(b) The construction of mobile, modular, portable or relocatable school buildings shall conform to the requirements of the 1991 edition of the life safety code as adopted by K.A.R. 22-1-3. Minimum plumbing requirements shall meet the 1991 edition of the uniform plumbing code issued by

the international association of plumbing and mechanical officials. (Authorized by and implementing K.S.A. 1991 Supp. 31-133, 31-150, as amended by L. 1992, ch. 208, § 4; effective Sept. 17, 1990; amended May 10, 1993.)

Article 19.—CERTIFICATION OF FIRE INVESTIGATORS

22-19-1. Fire investigation and reporting. (a) All necessary and appropriate investigations of every fire or explosion or any attempt to cause a fire or explosion in this state by incendiary means or to defraud any insurance company shall be made by the state fire marshal, deputy state fire marshals, the chief of any paid or volunteer fire department, or any member of a fire department who has been duly designated by the chief, and the investigation shall be reported to the state fire marshal's office.

(b) Each person certified as a fire investigator I or II may conduct investigations that occur within the jurisdictional boundaries of the employing fire department or within the boundaries of any department with which the employing district has a statutorily authorized mutual aid, inter-local, or other contractual agreement concerning fire matters. Any investigation by a certified fire investigator I or II anywhere within the state may be authorized by the state fire marshal. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999.)

22-19-2. Certification of fire investigators. (a) Each fire investigator who makes application and who meets and demonstrates the following criteria may be certified by the state fire marshal:

(1) Each applicant for fire investigator certification shall be recommended by the fire chief of the jurisdiction.

(2) Each applicant shall provide proof of successful completion of a fire investigation course, within the past five calendar years, that meets or exceeds the "standard for professional qualifications for fire investigator" established by the national fire protection association in publication number 1033, 1998 edition, adopted by reference, and all law enforcement training required under K.S.A. 74-5602 et seq., and amendments thereto, and applicable regulations. Each applicant for fire investigator II certification shall also successfully

complete a firearms training course approved for law enforcement officers and shall be employed full-time by a fire department or law enforcement agency. An applicant for fire investigator I shall not be required to have firearms training or full-time status.

(3) Each applicant who has not completed a nationally recognized training course may be certified upon achievement of a score of not less than 70 percent correct on the fire investigation graded examination and upon presentation of all other requirements.

(4) Each applicant shall submit a completed KBI background investigation that demonstrates to the state fire marshal's satisfaction that the applicant has no criminal justice history or other disqualification for a law enforcement officer.

(b) Comparable qualifications from another state or jurisdiction may be recognized by the state fire marshal.

(c) Certification as a fire investigator shall be for a period of three years.

(d) Certification may be granted at two levels: fire investigator I or fire investigator II. Fire investigator I certification shall require the qualifications set out in paragraphs (a) (1) through (3) above. Qualification as a fire investigator II shall require, in addition to the requirements for fire investigator I, the successful completion of law enforcement firearms training and full-time employment as a paid member of a fire department or law enforcement agency.

(e) Any fire department or law enforcement agency may employ up to four certified fire investigator II's. Upon written application demonstrating good cause, additional certified fire investigator II's may be authorized by the state fire marshal. A fire department or law enforcement agency may employ any number of fire investigator I's. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999.)

22-19-3. Fire investigation recertification. (a) Each individual shall apply for fire investigation recertification on a form approved by the state fire marshal. Each recertification application shall include the following:

- (1) A completed recertification form;
- (2) legible photostatic copies or originals of all documents establishing the points earned; and

(3) a notarized statement of eligibility for recertification.

(b) Each recertification application shall be received by the state fire marshal's office no later than 60 days before the expiration of the present certification.

(c) Recertification shall require the accumulation and documentation of at least 50 points in the three-year period following certification as follows:

(1) Training points shall be earned at the rate of one point for every clock hour of department-approved training attended or taught, and 10 points shall be earned for every college-level course of three or more credit hours on which the applicant achieves a grade of "C" or higher if the course content directly relates to fire investigation skills. A minimum of 30 points shall be earned in this category, and a maximum of 40 points may be earned.

(2) Experience points shall be earned for performing fire scene investigation and reporting or for the supervision of fire scene investigation and reporting. Points shall be earned at the rate of one point per fire investigation performed or supervised. A minimum of 10 points shall be earned in this category, and a maximum of 20 points may be earned.

(3) Tested points may be earned through achievement of a score of at least 70 percent correct on a graded fire investigation examination. Meeting this standard shall be equivalent to 10 testing category points.

(d) Recertification points shall not be carried over from one recertification period into another. Fire investigators who are certified before the effective date of this regulation shall have up to two years to achieve recertification. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999.)

22-19-4. (Authorized by and implementing K.S.A. 1983 Supp. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; revoked May 10, 1993.)

22-19-4a. Revocation or suspension. (a) Every certification or recertification granted by the state fire marshal may be revoked or suspended for good cause shown. For the purpose of this regulation, "good cause" shall include any of the following:

- (1) Misrepresentation of any information pro-

vided on an application, in a supporting document, or in any filed report;

(2) conviction or diversion for any felony criminal offense;

(3) failure to make timely, complete reports of all investigations to the state fire marshal's office; or

(4) failure to conduct an investigation in accord with nationally recognized methods and procedures.

(b) An individual may appeal any suspension or revocation of a certification or recertification as provided for by the Kansas administrative procedure act. (Authorized by and implementing K.S.A. 31-133 and 31-157; effective Aug. 27, 1999.)

22-19-5. Reports, filing with state fire marshal. Each person certified as a fire investigator shall file a report of every fire investigation conducted by that certified investigator with the state fire marshal within 30 days. The report shall contain all information on the current report form used by the state fire marshal's deputies, including but not limited to name of owner, birthdate of owner, name of suspect, if any, birthdate of suspect, driver's license or other identification number of suspect, name of witnesses, birthdates of witnesses, driver's license or other identification of witnesses, name of insurance company, policy number and amount of insurance coverage. Supplements shall be filed indicating disposition of the case. Failure to file such reports shall be grounds for suspension or revocation of the certificate pursuant to K.A.R. 22-1-5. (Authorized by K.S.A. 1992 Supp. 31-133; implementing K.S.A. 31-137; effective May 10, 1993.)

Article 20.—NATURAL GAS AS MOTOR FUEL

22-20-1. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1985; amended Sept. 17, 1990; revoked May 10, 1993.)

Article 21.—CHRISTMAS DECORATIONS

22-21-1. A person shall not sell an electrical Christmas decoration which is not listed by, nor bears the label of, a nationally-recognized testing laboratory, unless the specific type of decoration is exempted by the state fire marshal. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1986.)

Article 22.—FIRE DEPARTMENT VEHICLES

22-22-1. Inspection of fire department vehicles. (a) Each organized fire department, regular or volunteer, shall inspect every fire department vehicle at least annually and after that vehicle is involved in an accident to identify and correct unsafe or non-working conditions. Each fire department shall establish a preventive maintenance program. Inspections shall be performed by a mechanic chosen by the fire chief. All maintenance, inspections and repairs shall be performed in accordance with the manufacturer's guidelines. The inspection shall include but is not limited to the following areas:

- (1) brake system;
- (2) coupling devices;
- (3) exhaust system;
- (4) fuel system;
- (5) lighting devices;
- (6) steering mechanism;
- (7) suspension;
- (8) frame;
- (9) tires;
- (10) wheels and rims; and
- (11) electrical system.

(b) Each fire department shall file, on January 1 of each year, a report of the vehicle inspections performed during the preceding calendar year on the form designated by the state fire marshal.

(c) The state fire marshal may, upon written request and for good cause shown, approve alternatives to the inspections or reporting requirements of this regulation. The alternative approved must provide comparable assurances of safety and reliability of fire department vehicles. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

Article 24.—REGIONAL HAZARDOUS MATERIALS RESPONSE

22-24-1. Definitions. (a) "Chemical assessment team" (CAT) means either of the following:

(1) A type of emergency response team whose primary objective is the assessment of chemical hazards; or

(2) those members of a hazardous materials response team whose primary objective is the assessment of chemical hazards.

(b) "Division" means the hazardous materials

response division of the Kansas state fire marshal's office.

(c) "Emergency response team" means a hazardous materials response team or chemical assessment team that has entered into a contract with the state fire marshal's office to provide a response to hazardous materials incidents.

(d) "Hazardous materials response team" means a team whose primary responsibility is to respond to hazardous materials incidents with full capabilities to control or mitigate the situation in order to protect life and property from the hazardous materials incident.

(e) "Local authority" means the local unit of government's public safety agency that is in overall command at the scene of a hazardous materials incident.

(f) "Management system" means a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for the management of assigned resources to effectively accomplish stated objectives at the scene of an incident.

(g) "Mitigation" means the actions taken by an emergency response team to lessen the severity or intensity of a hazardous materials incident. Mitigation shall not include restoration of the scene to its preaccident condition and shall not be interpreted as including cleanup procedures, remediation, or both.

(h) "NFPA" means the national fire protection association.

(i) "Primary response area" means the geographic portion of the state to which an emergency response team has been assigned to provide the principal response to incidents occurring in that area.

(j) "Regional response team program" means the system of regionally located emergency response teams who have contracted with the state fire marshal to provide a response to hazardous materials incidents occurring in that area.

(k) "Response area" means the primary or secondary response area of an emergency response team.

(1) "Secondary response area" means the geographic portion of the state to which an emergency response team has been assigned to provide the alternate response to incidents occurring in that area.

(m) "State fire marshal" means the state fire marshal or the state fire marshal's designee. (Au-

thorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-2. Team response areas. (a) The primary and secondary response areas for each emergency response team shall be established by the state fire marshal. Each team shall be assigned at least one secondary area.

(b) The factors used by the state fire marshal in establishing these primary and secondary response areas shall include the following:

(1) The number and geographic location of fixed facilities manufacturing, using, or storing hazardous materials that may pose a threat to life or property if released;

(2) the number of miles of primary transportation routes in a given area, including highways, rail lines, commercially navigable waterways, pipelines, and airports;

(3) the population of each county;

(4) any special conditions that may be present in a given area of the state and the need for specialized equipment unique to those conditions that might affect emergency response capability;

(5) the existing local capabilities for dealing with hazardous materials incidents; and

(6) any other factor that could contribute to the potential for a hazardous materials release that could threaten life or property, thus meriting an emergency response.

(c) The boundaries of each response area shall be reviewed and, if needed, adjusted by the state fire marshal at least every two years. The adjustment of boundaries shall not be modified, conditioned, or limited by any collective bargaining agreement or memorandum of agreement.

(d) Each emergency response team shall respond to any area of the state when directed to do so by the state fire marshal. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-3. Adoption by reference. (a) The following nationally recognized standards are hereby adopted by reference:

(1) "Recommended practice for responding to hazardous materials incidents," national fire protection association pamphlet no. 471 (NFPA 471), including appendices, 1997 edition;

(2) "standard on professional competence of responders to hazardous materials incidents," national fire protection association pamphlet no. 472

(NFPA 472), including appendices, but excluding chapters 7, 8, 9, 10, and 11, 1997 edition; and

(3) “standard for competencies for EMS personnel responding to hazardous materials incidents,” national fire protection association pamphlet no. 473 (NFPA 473), including appendices, 1997 edition.

(b) Each team member shall comply with the provisions of “hazardous waste operations and emergency response,” 29 C.F.R. 1910.120(q), as in effect on March 7, 1996, and hereby adopted by reference. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-4. Qualifications of team members. (a) Each member of each emergency response team shall successfully complete annual refresher training that meets or exceeds the continuing education requirements of 29 C.F.R. 1910.120(q)(8).

(b) Each employer of one or more emergency response team members shall document all hazardous material training and continuing education, and these records shall be made available to the state fire marshal upon request. Each employer of one or more emergency response team members shall annually certify to the state fire marshal in writing that each team member has met the medical requirements of 29 C.F.R. 1910.120(q)(9) and the educational requirements of 29 C.F.R. 1910.120(q)(6)(i), (ii), and (iii).

(c) Any of the training or educational requirements identified in these regulations may be waived by the state fire marshal, and a substitute requirement or standard issued by the occupational safety and health administration or the NFPA may be approved by the state fire marshal, if the substitute requirement or standard is equivalent to, meets, or exceeds the requirement to be replaced. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-5. Composition of teams. (a) Each hazardous materials response team shall consist of at least nine members who possess the qualifications established by K.A.R. 22-24-3 and K.A.R. 22-24-4. A minimum of four members shall be available for response at any time.

(b) Each chemical assessment team shall consist of at least six members who possess the qualifications established by K.A.R. 22-24-3 and

K.A.R. 22-24-4. A minimum of three members shall be available for response at any time.

(c) Each emergency response team member shall be certified by that individual’s employer as meeting the qualifications for hazardous materials technicians established by NFPA 472. Each emergency response team member assigned to provide emergency medical support shall be certified by that individual’s employer as meeting the qualifications for a level II responder or a higher level as defined by NFPA 473 and shall be currently certified or registered as an emergency medical technician by the state of Kansas board of emergency medical services.

(d) Emergency response teams may consist of personnel from one or more public or nonpublic entities. Each team shall designate a single point of contact for purposes of emergency dispatch, a single authority for contract administration, and the employer responsible for the employer requirements set out in these regulations. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-6. Responsibilities of teams. (a) As its primary responsibility, each hazardous materials response team shall assist local authorities by recommending emergency actions necessary to protect life and property from the effects of a release of a hazardous material. These emergency actions may include preventing releases, mitigating a release, stabilizing the situation, and any other actions necessary to control the incident.

(b) As its primary responsibility, each chemical assessment team shall assist local authorities by providing technical advice and recommending mitigation actions to local incident commanders. Each chemical assessment team may assist the hazardous materials response team by responding in conjunction with them, assessing the chemical issues, and assisting in the formulation of strategies to mitigate or prevent incidents. The chemical assessment team may mitigate the effects of a release and stabilize the situation after contacting the hazardous materials response team and obtaining advice when necessary.

(c) When requested by the local incident commander and approved by the emergency response team commander, the emergency response team may remain at the scene and provide continuing assistance by monitoring cleanup activity conducted by local, state, or federal agencies or pri-

vate entities for the purpose of ensuring public safety. The emergency response team shall not be required to remain at the scene. If the emergency response team remains, the team's costs shall be recoverable costs against the responsible party as provided in K.A.R. 22-24-14.

(d) An emergency response team shall not take any of the following actions:

(1) Transport, store, dispose of, or perform remedial cleanup of hazardous materials, except as may be incidentally necessary to mitigate an emergency;

(2) assume overall command of the hazardous materials incident, except that the team shall establish a joint command comprised of the local incident commander and the emergency response team commander if local authorities do not have incident command training; or

(3) mitigate incidents involving explosives, explosive devices, incendiary devices, shock-sensitive explosive chemicals, or clandestine drug labs, except to respond to the effects of a hazardous materials release that has occurred as a consequence of these incidents. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-7. Reporting and documentation.

(a) Each emergency response team shall submit to the state fire marshal's office a detailed report of its response to each incident. The report shall be prepared in a manner and on a form prescribed by the state fire marshal and shall include the following data:

(1) A list of all equipment used and the personnel who responded;

(2) a description of all emergency actions taken;

(3) a copy of the site safety plans developed during the response; and

(4) completed cost-recovery forms.

(b) When an emergency response has been activated, the emergency response team commander shall notify the Kansas department of health and environment and the Kansas division of emergency management.

(c) Each local jurisdiction requesting assistance from the emergency response team shall notify the local Kansas division of emergency management representative and the Kansas department of health and environment that an incident has occurred. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-8. Emergency preplanning.

(a) Any emergency response team may submit a request to the state fire marshal for information concerning hazardous materials that are stored or used by a state agency. Upon request of the state fire marshal, the state agency shall furnish the requested information to the division.

(b) Each government agency, including any county, city, township, or school district, shall provide information relating to its storage or use of hazardous materials when requested by an emergency response team. The local government agency shall furnish the requested information directly to the requesting team.

(c) Information that may be requested under either subsection (a) or (b) shall include the following:

(1) A copy of any facility preplans;

(2) a copy of the state or local agency's hazardous materials emergency response plan;

(3) a statement describing the local agency's level of hazardous materials training;

(4) a description of the resources available locally to support hazardous materials response actions; and

(5) any other information reasonably needed by the requesting team. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-9. Emergency response assistance.

Any emergency response team may secure for use during an emergency response any technical assistance or specialized equipment necessary to safely and properly respond to an incident. When the incident involves explosives, explosive devices, incendiary devices, or shock-sensitive explosive chemicals, the team shall request assistance from a qualified bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit. No emergency response team member shall take any action except as directed by the responding explosives unit. The costs associated with the activation of a bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit shall not be recoverable from the hazardous materials emergency response program. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-10. Review and evaluation of response. Each emergency response team shall conduct an evaluation of its response to each in-

cident after termination of the team's response. The team shall give all public and private agencies involved in the response the opportunity to participate in the evaluation. The team shall prepare a written report following completion of the evaluation, a copy of which shall be provided to the state fire marshal within 45 days after termination of the team's response. For good cause shown, the length of the time in which the report is submitted may be extended by the state fire marshal for an additional 90 days. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-11. Supplies, equipment, and vehicles for hazardous materials response teams. Each hazardous materials response team shall have immediate access to the following general categories of supplies and equipment in suitable quantities to respond to anticipated hazardous materials incidents: (a) Chemical reference and emergency response manuals;

- (b) personal protective equipment;
- (c) decontamination equipment and supplies;
- (d) leak-control supplies and equipment;
- (e) radios and other forms of communications equipment;
- (f) computer equipment and supporting software;
- (g) monitoring and detection equipment;
- (h) basic suppression equipment;
- (i) spill containment supplies and equipment;
- (j) assorted nonsparking hand tools;
- (k) basic first aid supplies; and
- (l) related incident management and administrative supplies and equipment. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-12. Equipment for chemical assessment teams. Each chemical assessment team shall have immediate access to the following general categories of supplies and equipment in suitable quantities to respond to anticipated hazardous materials incidents: (a) Chemical reference and emergency response manuals;

- (b) personal protective equipment;
- (c) decontamination equipment and supplies;
- (d) leak-control supplies and equipment;
- (e) radios and other forms of communications equipment;
- (f) monitoring and detection equipment;
- (g) assorted nonsparking hand tools;
- (h) basic first aid supplies; and

- (i) related incident management and administrative supplies and equipment. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-13. Emergency response criteria and dispatch. (a) Each emergency response team shall engage in an emergency response only if it is authorized by the state fire marshal. An emergency response may include technical assistance provided by a team via telephone or other means of communication or the deployment of team personnel and equipment to the scene of a hazardous material incident. An emergency response team response shall be authorized by the state fire marshal whenever it appears necessary to protect life or property from the effects or potential effects of a hazardous materials release.

(b) Each decision to authorize an emergency response shall be based on consideration of all of the following criteria:

- (1) A hazardous materials release has occurred, or there is a significant potential for release.
- (2) The release or threat of release poses a significant threat to life or property.
- (3) Local authorities on the scene have determined that the situation exceeds their capabilities.
- (4) Local authorities are requesting a team response.

(c) Only the local incident commander or designee for the jurisdiction in which the scene of the hazardous materials incident is located shall be authorized to request an emergency response team. Each request for an emergency response team shall be made to the state fire marshal. The communications arrangements provided by the state fire marshal shall allow 24-hour-a-day notification of a request for a response.

(d) Each team, when authorized to respond under subsection (a), shall evaluate the situation, determine if an emergency response is needed, and act accordingly. Any question or concerns arising out of the team's decisions may be relayed to the division.

(e) An emergency response team may be authorized by the state fire marshal to provide standby technical assistance in support of a bomb squad response. A response under this subsection shall be limited to incidents involving explosives, explosive devices, incendiary devices, or shock-sensitive explosive chemicals. A bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit shall be on the scene.

When an emergency response team responds under this subsection, its costs shall be recoverable under the provisions of these regulations. The costs of activation of a bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit shall not be recoverable expenses.

(f) If an emergency team is en route to an incident, the team's response may be cancelled only by the state fire marshal or by the local incident commander.

(g) The emergency response team commander or safety officer may terminate any response action at the scene of a hazardous materials incident when it is determined that response action would place any personnel in imminent danger. A team response may also be terminated at the scene of an incident by order of the local incident commander. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-14. Cost recovery. (a) When an emergency response team is activated to respond to a hazardous materials incident, the party responsible for the hazardous materials shall be responsible for paying the costs incurred as a result of the team's emergency response. The responsible party shall be billed by the state fire marshal for these costs in a summary order. If the responsible party fails to pay the bill in full within 30 days of its issuance, a second billing shall be issued by the state fire marshal. The second billing and any subsequent billings shall include interest on the unpaid balance. If payment is not made in full within 60 days of the initial billing, the responsible party shall be contacted by the state fire marshal in an effort to obtain payment. If the matter remains unresolved, legal action shall be brought to recover the costs of the response, any legal fees, and other related expenses, including reasonable attorney's fees.

(b) Within 30 days of the original billing issued as a summary order, any responsible party who disagrees with a billing for costs incurred as a result of an emergency response may request a hearing, which shall be conducted in accordance with the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto. The request for a hearing shall specifically identify the portion of the billing that is disputed and the factual basis of that dispute. Any remaining por-

tion of the bill that is undisputed shall be paid in accordance with subsection (a). (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-15. Coordinating emergency response activities. (a) The local authority that has jurisdiction and that requested the emergency response shall provide all necessary assistance to the emergency response team. The emergency response team commander shall coordinate with those local, state, or federal agencies, or other organizations that are on the scene or providing assistance.

(b) Mutual aid agreements, interlocal agreements, or other forms of written agreements with local, state, or federal agencies within and without this state may be entered into by the state fire marshal to mutually support and foster assistance in response to hazardous materials incidents. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-16. Liability. Each member of each emergency response team shall be considered a state employee for purposes of coverage under the tort claims act, K.S.A. 75-6101 et seq. and amendments thereto, upon activation by the state fire marshal for an emergency response or in connection with authorized training. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-17. Workers compensation. For the purposes of workers compensation coverage, each member of each emergency response team shall at all times be considered an employee of the public or nonpublic entity contracting with the state fire marshal to provide emergency response team services. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-18. Advisory committee. A hazardous materials advisory committee may be appointed by the state fire marshal to provide input and assistance to the hazardous materials program and act as advisor to the state fire marshal and the director of the division. The committee shall meet periodically as determined by the state fire marshal. (Authorized by and implementing K.S.A. 31-133 and 31-135; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)